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MOTOR CARRIER SAFETY ASSISTANCE PROGRAM (MCSAP): OPTIONS INTENDED TO IMPROVE A GENERALLY SUCCESSFUL AND COOPERATIVE FEDERAL/STATE PARTNERSHIP PROMOTING TRUCK AND BUS SAFETY

PRINTED AT THE DIRECTION OF

HON. ERNEST F. HOLLINGS, *Chairman*

FOR THE USE OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

UNITED STATES SENATE

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LETTER OF TRANSMITTAL

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC, June 2, 1988.

DEAR COLLEAGUE: As Chairman of the Senate Committee on Commerce, Science, and Transportation, I am pleased to provide you with a Committee Print entitled "Motor Carrier Safety Assistance Program (MCSAP): Options to Improve a Generally Successful and Cooperative Federal/State Partnership Promoting Truck and Bus Safety." This study was prepared at the request of the Committee by the Congressional Research Service of the Library of Congress.

Our Committee has oversight responsibilities to ensure the effectiveness and integrity of the Motor Carrier Safety Assistance Program. In light of our continuing interest in MCSAP and the safety of the commercial motor vehicle industry, I believe that this CRS report will prove extremely useful in our review of the Federal Highway Administration's MCSAP effort. This report provides a comprehensive analysis of the status and current problems associated with MCSAP as well as options identified by CRS to improve this important safety program.

While this report has been neither approved, disapproved, or considered by the Committee, I believe that it will benefit all of our Members and their staff.

Sincerely,

ERNEST F. HOLLINGS, *Chairman.*

LETTER OF SUBMITTAL

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, May 19, 1988.

Hon. ERNEST F. HOLLINGS
Chairman, Committee on Commerce, Science and Transportation United States Senate Washington, DC.

DEAR MR. CHAIRMAN: In response to your request, we are forwarding a report entitled "Motor Carrier Safety Assistance Program (MCSAP): Options Intended to Improve a Generally Successful and Cooperative Federal/State Partnership Promoting Truck and Bus Safety."

This report examines the status and accomplishments of the Federal Highway Administration's MCSAP effort. The legislative origin, objectives, administrative structure, and progress of MCSAP are reviewed. The types of driver and vehicle inspections and carrier safety reviews conducted with MCSAP funds are discussed. Specific problems and issues associated with FHWA's implementation of MCSAP are analyzed in detail. Finally, options intended to improve the administration and implementation of MCSAP are discussed.

This CRS report was written by Dr. Paul F. Rothberg of our Science Policy Research Division. James Bremner, a transportation safety expert, served as a technical consultant during the preparation of this report.

I trust that this report will serve the needs of your Committee as you review the contributions of MCSAP to commercial motor vehicle safety and consider whether any changes are needed to improve the implementation of this program.

Thank you for the opportunity to assist your Committee.

Sincerely,

JOSEPH E. ROSS, *Director.*

CONTENTS

Page

Executive Summary 1
  Status and Accomplishments of MCSAP 1
  Areas of Concern About the Implementation of MCSAP 3
  Options that May Improve and Strenghten MCSAP 5
Introduction 7
MCSAP: Status and Characteristics 9
  Legislative Origin and Purposes of MCSAP 9
  Financing of MCSAP 10
  Administration of MCSAP 14
  Flexibility, Innovation, and Growth of MCSAP 17
  Uses and Control of MCSAP Funds 19
  Beneficial Results of MCSAP 20
  Coordination Within MCSAP 21
  Relationship of MCSAP to Other Federal Motor Carrier Safety Efforts 22
  What Would Happen If MCSAP Were Terminated? 23
Inspections and Audits or Reviews 25
  Inspections Conducted With MCSAP Funds 25
  Safety Reviews and Compliance Reviews 35
  Violations, Penalties, and Enforcement Policies 36
  Effectiveness and Integrity of Some MCSAP-Sponsored Inspections Are Subject to Question 37
  Promoting the Quality and Comprehensiveness of MCSAP Inspections 44
  Has MCSAP Resulted in a Reduced Accident Rate? 48
Additional Concerns Associated with the Implementation of MCSAP 51
  FHWA's Reviews and Oversight of MCSAP 51
  SAFETYNET: So Much Further To Go 52
Options Intended to Strengthen and Improve MCSAP 57
  Increase Local or County Police Involvement in MCSAP 57
  Issue Recommended Guidelines or Standards for Financial Penalties Imposed on Carriers or Drivers for Violations of the Federal Motor Carrier Safety and/or Highway-Oriented Hazardous Materials Transportation Regulations 59
  Increase Congressional Guidance Regarding the Objectives and Future Direction of MCSAP 60
  Use MCSAP Funds to Further Educate State Legislators and Judges Regarding the Importance of Compliance with the Federal or Compatible Motor Carrier Safety and Highway-Oriented Hazardous Materials Transportation Regulations 61
  Direct FHWA to Publish a Newsletter on MCSAP 62
  Direct FHWA to Devote More Attention and Resources to Implementing SAFETYNET Expeditiously 63
  Expedite the Improvement of the Federal Motor Carrier Safety and the Hazardous Materials Transportation Safety Regulations 63
  Increase Personnel Administering MCSAP at FHWA Headquarters and Regions 64
  Promote the Integrity of MCSAP-Sponsored Inspections by Requiring Stringent Follow-up Procedures 65
  Maintain the Current Program 67
  Endnotes 69

EXECUTIVE SUMMARY

The Motor Carrier Safety Assistance Program (MCSAP) has proven itself to be, in general, a successful and cooperative Federal/State inspection effort promoting truck and bus safety. This report reviews the status and accomplishments of this program. Although MCSAP has contributed much to improve motor carrier safety, there are several areas of concern regarding its implementation. The major problem with MCSAP is that in most States the integrity of the inspection process, specifically, the follow-up component, can frequently be subject to serious question. This report analyzes the effectiveness, comprehensiveness, and integrity of MCSAP inspections as well as other programmatic concerns. Finally, various options designed to strengthen the administration and improve the implementation of MCSAP are outlined.

STATUS AND ACCOMPLISHMENTS OF MCSAP

Since 1983, the Federal Highway Administration (FHWA) has transformed the legislative concept of MCSAP into a fairly respected inspection program, now involving some 2,900 primarily State officers, supported or supervised by some 560 administrative personnel. Last year, MCSAP officers conducted almost 1 million inspections of vehicles and drivers. As a result of the efforts of the FHWA and the Commercial Vehicle Safety Alliance, (CVSA—a coalition of State and other transportation safety officials), both the quality and quantity of these inspections have improved, but more could be done to improve the effectiveness of these enforcement activities.

Under the authority of the Surface Transportation Assistance Act of 1982, which created MCSAP, and subsequent laws, FHWA will disburse during fiscal year 1988 a total of about $42 million in MCSAP grants to 48 participating States and 4 U.S. governmental entities. These funds are used primarily to enforce the Federal or compatible State motor carrier safety and specified hazardous materials transportation regulations.[1]

MCSAP is of crucial importance to the highway safety programs of some States, especially to those that prior to MCSAP had little or no commercial motor vehicle enforcement activities. For others, MCSAP is the "icing on the cake," especially to those States that have funded intensive efforts outside the Federal/State partnership activities.

From fiscal year 1988 through fiscal year 1991, MCSAP grants, which are drawn from the Highway Trust Fund, are planned to total approximately $183 million.[2] With these and other associated State funds, State highway patrol officers and other State safety officials will conduct 4 to 5 million inspections of truck and bus drivers, trucks and buses, and perhaps 20,000 to 40,000 safety reviews and audits of carrier terminal operations. As a result of these inspections, probably 2 to 3 million commercial motor vehicles and drivers not meeting certain Federal or compatible State safety regulations [3] will be taken off the Nation's highways until, presumably, detected deficiencies are corrected. In some instances, State safety officials also will assess civil or criminal penalties (or fines) on drivers or companies failing to operate trucks or buses in compliance with minimum Federal or compatible State safety standards.

MCSAP is only part of a comprehensive strategy to promote truck and bus safety. In particular, MCSAP was not intended or designed to focus on the enforcement of regulations pertaining to speeding, traffic operating rules, or driving under the influence of alcohol or drugs.

MCSAP has benefited both Federal and State commercial motor vehicle safety efforts in a variety of ways. MCSAP, which is an enhancement program, has become a foundation for Federal-State cooperation in truck and bus safety. MCSAP, very likely, has reduced the number of death and injury causing accidents that might have otherwise been caused by unsafe trucks and buses. However, because of many other factors that also affect safety, direct measurement of the effects of MCSAP is extremely difficult and subject to serious question because of intervening or spurious variables.

Additionally, MCSAP has required thousands of State and industry planners to reevaluate their policies and programs affecting commercial motor vehicle safety. Furthermore, MCSAP has significantly increased the inspection presence of State safety officials; promoted compliance with and uniformity of Federal and State motor carrier safety and specified hazardous materials transportation regulations; and enhanced industry's awareness of the importance of safety. Because of the increased activities of State enforcement officers at roadside inspections, MCSAP has allowed the Federal motor carrier safety inspection force to place greater emphasis on safety and compliance reviews at the carrier's principal place of business.

MCSAP is a fairly flexible grant program, allowing States to tailor their own safety program to meet unique local and State requirements, safety conditions, and philosophies. Because of the latitude that FHWA gives the participating States, there are really 52 different but somewhat similar MCSAPs. However, FHWA tries to maintain a uniform program by requiring the States to use uniform inspection procedures, including common criteria for placing a truck or driver out-of-service.[4]

Although MCSAP provides some guidelines and requirements, there are no uniformly imposed requirements about:

—the amount of financial penalties that should be imposed on drivers or carriers violating the Federal or compatible State motor carrier safety or highway-oriented hazardous materials transportation regulations;

—reinspection procedures to verify that serious defects noted during MCSAP-sponsored inspections are corrected;

—the percentage of a State's total inspections that should be conducted on buses or trucks transporting hazardous materials;

—the approximate percentage of a MCSAP grant that should be allocated towards roadside inspections, safety reviews and audits, or administrative costs; and

—the maximum number of years a State may be in the program before safety reviews and/or compliance reviews must be conducted.

AREAS OF CONCERN ABOUT THE IMPLEMENTATION OF MCSAP

FHWA's administration of the program can be criticized in several areas. As discussed below, these concerns pertain to information analysis, and the integrity, quality and comprehensiveness of MCSAP-sponsored inspections.

One concern is FHWA's implementation of SAFETYNET, MCSAP's management information system. The conduct of a comprehensive and efficient nationwide commercial motor carrier enforcement program requires a comprehensive and efficient management information system. FHWA's SAFETYNET was intended to serve this purpose, but it currently does not. Even after almost four years of in-house and contractor work, only about one-third of SAFETYNET is operating and about 33 States have the capability to use this part of the system to send needed information to FHWA. At least three to five years of additional developmental work, testing, and installation will be necessary to get the entire SAFETYNET system and supporting software to the point where it will be of optimal value. Only then, will Congress, FHWA, and the States be able to obtain comprehensive analysis on MCSAP inspections, accident data, audit reviews, and their relationships. A properly operating SAFETYNET system would allow more effective targeting of inspections and audits, thus increasing the efficiency of Federal and State dollars spent on MCSAP. As the different phases of SAFETYNET are gradually completed, this management information system is likely to become of increased importance to MCSAP.

There are other areas of concern about FHWA's administration and implementation of MCSAP. The major problem is that FHWA does not require State inspectors to reinspect all trucks and buses that have been taken out-of-service because of serious safety defects. Consequently, MCSAP inspectors in most States do not consistently ensure, e.g., visually check, that these vehicles have been repaired so that they are in compliance with minimum safety standards regarding critical safety items before these vehicles re-enter the Nation's highways. The effectiveness and integrity of the current program frequently relies heavily on an inconsistently enforced process that allows industry to self-certify that critical safety defects were corrected properly.

Verification by MCSAP inspectors that the necessary critical repairs were actually performed would ensure that MCSAP is achieving its objective—promoting enforcement and compliance with safety regulations. Verification, either on a random or uniform basis, would strengthen the economic incentives for carriers to maintain their fleets in compliance with safety regulations. Any verification process, however, would reduce the total number of trucks inspected and could cause logistical problems for some carriers who operate seriously defective vehicles. However, if a verification system were developed that: (1) required vehicles that were placed out-of-service to at least be offered for reinspection, and (2) required that, for example, one out of every five such trucks were actually reinspected only to ensure that critical defects were actually corrected, the net adverse impact on the overall MCSAP effort would be minimal. With such a system, the total number of vehicles inspected would drop by only 2.5 percent in any given year, if one assumes a very conservative estimate that it takes 3 times as much time to inspect a vehicle as it does to conduct one reinspection for already identified critical defects. Thus, the benefits of adding a random verification procedure to MCSAP are likely to surpass any safety costs that might result by reducing MCSAP's output from some one million vehicles inspected yearly to 975,000 vehicles. However, imposition of a random verification process by FHWA would slightly reduce the administrative flexibility that State MCSAP inspection supervisors now enjoy.

There are other problems with the current inspection process. For several years, FHWA did require that: (1) a copy of every inspection report with violations noted be sent by the issuing State to the motor carrier, and (2) this report be signed and returned by an official of the motor carrier. FHWA, however, did not ensure that this requirement was fulfilled. Some States did not even send the inspection report to the motor carrier. Recently, FHWA appears to have converted this MCSAP requirement into a strongly encouraged guideline.[5] Adherence to such a guideline/requirement is important because it makes truck or bus safety managers more aware of problems that need to be better monitored and defects that must be corrected. Under the current system, many carriers are never informed that their vehicles and/or drivers were found during a MCSAP inspection not in compliance with safety requirements.

States that do require their inspection reports on defects to be signed by an official of the responsible motor carrier frequently never receive the forms back from carriers domiciled in other States. States are severely limited in the resources, and restricted in the enforcement authority, that they can exert against these interstate carriers. The FHWA does not provide much assistance, because this Agency does not bring an enforcement action against a carrier for such a single violation, and because of legal and manpower constraints. Until FHWA changes its practice and receives clear authority to pursue such cases, this follow-up component of MCSAP inspections is likely to continue to suffer. Of course, it would take substantial FHWA legal resources to pursue enforcement actions for such violations, but perhaps FHWA-issued warning letters and random or selective enforcement efforts might promote increased compliance.

It is important to place these concerns about follow-up of MCSAP inspections in perspective. In many cases, motor carriers are responsive to the compliance requirements issued by MCSAP inspectors and the integrity of the follow-up component is never in question. Defects are properly corrected in many of these situations. A more effective and credible MCSAP would be achieved, however, if either compliance were achieved in every case or at least a random but nationwide verification process were instituted.

Despite FHWA's efforts to promote the comprehensiveness and quality of MCSAP-sponsored inspections, areas of concern remain. Even though the Surface Transportation Assistance Act of 1982 envisaged an inspection program that included buses and hazardous materials-laden trucks, some States are conducting virtually no MCSAP-sponsored inspections of these vehicles. For example, based on fiscal year 1987 data tabulated by FHWA as of March 31, 1988, some 20 States were conducting essentially no bus inspections under MCSAP; and 4 States were conducting essentially no hazardous materials inspections under this program. The same FHWA data shows that about 30 States are not conducting safety management or compliance audits, which are essential components of a motor carrier safety enforcement program. Likewise, wide variations in the percentage of trucks and drivers placed out-of-service by different MCSAP States raises questions about the quality and uniformity of inspection procedures. The percentage of out-of-service violations is affected by several factors, such as inspection selection criteria and training and proficiency of inspectors.

MCSAP funds are certainly not large enough to enhance all aspects of a State's enforcement program to the same degree. Nevertheless, the balance of MCSAP activities in some States could be adjusted to achieve a more comprehensive program. FHWA, CVSA, and participating MCSAP States are seeking to improve the quality of MCSAP-funded inspections.

FHWA has provided MCSAP funds to States that do not meet all of the criteria established by Congress as prerequisites for receiving MCSAP funds. FHWA allowed these States to continue to receive MCSAP funds while they make a "good faith effort" to meet congressionally dictated prerequisites. Although FHWA has never set a time limit for participating States to achieve compliance, it has provided guidance that seeks to define how long a "good faith effort" should be allowed to continue.

OPTIONS THAT MAY IMPROVE AND STRENGTHEN MCSAP

In view of MCSAP's accomplishments to date, it does not appear that the Congress needs to take any additional legislative remedies to change the fundamental design of this program. As oversight of MCSAP continues, it may be worthwhile, however, to consider what actions Congress might wish to review to strengthen or improve MCSAP's implementation.

These options include:

—promote the integrity of MCSAP-funded inspections by requiring stringent follow-up procedures;

—direct FHWA to encourage more participation of local and county police officers in MCSAP, but only in those States that can demonstrate that quality training and proper oversight of these officers can be maintained;

—direct FHWA, based on guidance from the States and industry, to issue recommended penalty amounts to be imposed on carriers and drivers that have violated the Federal motor carrier safety and the highway-oriented hazardous materials transportation regulations; or, alternatively, Congress might mandate that, if a State accepts MCSAP funds, it must use a penalty structure set by the Federal Government;

—further educate State officials about the importance of compliance with the Federal or compatible State motor carrier safety regulations and the highway-oriented hazardous materials transportation regulations;

—direct FHWA to issue a FHWA-prepared newsletter that would help inform State officials on the current activities, policies, and status of MCSAP;

—direct FHWA to accelerate the development and implementation of SAFETYNET and provide additional resources to accomplish these objectives;

—expedite the improvement of the Federal motor carrier safety regulations and the hazardous materials transportation regulations; and

—increase the number of personnel administering and overseeing/monitoring MCSAP at FHWA headquarters and regions.

Any change to the current MCSAP effort would probably be most effective if it increases the economic incentives that carriers and drivers have to maintain their vehicles and themselves in compliance with applicable safety regulations.

Congress may also wish to consider expanding the purposes and objectives of MCSAP so that this program could do more to enhance commercial motor vehicle safety. If additional MCSAP funds, beyond the amount now appropriated from the Highway Trust Fund, were used to deal more effectively with truck and bus drivers that violate speeding restrictions, traffic operating rules, and drug and alcohol restrictions, many additional lives might be saved. To reduce duplication, it would be essential to coordinate any new MCSAP- initiatives in these areas with existing DOT and State/local activities. There is also the option of allowing FHWA to continue gradually to improve MCSAP without any additional funds beyond those already committed through fiscal year 1991, when Congress may consider future MCSAP funding needs. For example, working closely with CVSA, FHWA could continue its efforts and improve the quality, comprehensiveness and monitoring of MCSAP-supported inspections and bring a comprehensive and effective SAFETYNET on line.

As shown in table 12 of this report, each of these options has its own unique set of advantages and disadvantages that Congress may wish to analyze in terms of its likely impact on the flexibility that MCSAP now has, the total cost of the program, the willingness of States to participate in the program, and other factors discussed in this report.

INTRODUCTION

The safety record of this Nation's commercial motor vehicle industry is of much concern. Although many accidents involving these carriers are caused by the motoring public (other than commercial motor vehicle operators), roughly 5,100 persons are killed and some 160,000 are injured each year on the Nation's roads and highways as a result of accidents involving some 400,000 (interstate and intrastate) medium and heavy trucks. The majority—65 to 75 percent—of those killed or injured are occupants of the other vehicles involved in accidents with these trucks.[6] To put this number of deaths into perspective, it is important to remember that in the United States many more people die each year in commercial motor vehicle accidents than in accidents involving trains, airplanes, and ships combined.

The maintenance record of the U.S. commercial motor vehicle industry also is of much concern. More than 50 percent of the large trucks inspected at the roadside have mechanical defects, and at least a third have defects serious enough to require placing them out-of- service, i.e., taking these vehicles off the highways.[7]

Partly in response to public concern over commercial motor vehicle safety, Congress established the Motor Carrier Safety Assistance Program (MCSAP) in the Surface Transportation Assistance Act of 1982. Under this program, the Federal Highway Administration (FHWA) taps the Highway Trust Fund to provide roughly $42 to $47 million each year to encourage participating States to enforce the Federal or compatible State motor carrier safety and certain hazardous materials transportation regulations. This program is the largest, most labor-intensive, and most widely accepted, cooperative effort aimed at promoting the safety of the Nation's trucks and buses.

As a recent editorial published in *Transportation Topics* by the American Trucking Associations stated, "the thing about MCSAP is that it works. Since the program began, roadside safety inspections have increased dramatically: from 36,000 in 1983, before the program was started, to more than 500,000 last year and a projected 1.3 million by next year."[8] In fiscal year 1987, MCSAP resulted in almost 1 million driver and vehicle inspections, with 54,580 drivers and 354,720 unsafe vehicles removed from service for serious violations of the safety regulations.[9] Currently, all but two States—South Dakota and (probably) Texas—are participating in MCSAP.

During the second session of the 100th Congress, several committees are likely to conduct oversight hearings on the implementation of MCSAP. Key questions that might be examined include:

—how effective is MCSAP in promoting truck and bus safety?
—what are the benefits of the program?
—has MCSAP resulted in a reduced accident rate?
—how are MCSAP funds being used?
—what are MCSAP's deficiencies, and what concerns have been raised as a result of this program? and
—what actions, if any, could Congress take to improve the implementation of this program? [10]

This report provides insights into, and answers to, these and other questions related to the implementation of MCSAP. First, the legislative origin, objectives, administrative structure, history, and status of the program are described and its benefits are assessed. Second, the types of driver and vehicle inspections and carrier safety reviews and audits conducted with MCSAP funds are discussed. Third, specific problems or issues associated with the implementation of this program are considered. Finally, selected options designed to improve or strengthen MCSAP are outlined.

The analysis presented in this report is limited by several factors, including:

—MCSAP is a relatively new, evolving Federal grant-in-aid program and thus, subject to continuing change;
—relatively little information of an evaluative nature has been written on this program;
—FHWA has given each State participating in MCSAP the latitude to conduct an enforcement program predicated on that State's perception of its commercial motor vehicle problems. Consequently, each State program is different; and
—spurious or intervening variables, such as partial economic deregulation and an increased number of industry miles driven, are affecting the safety statistics that MCSAP is also affecting.

Nevertheless, this report seeks to offer insights, observations, and an objective perspective on the effectiveness, utility, accomplishments, and problems associated with MCSAP.

The analysis presented in this report is also based on: (1) interviews conducted with officials of various State governments, industry groups, the staff of the National Transportation Safety Board and the FHWA; (2) first-hand observations of MCSAP-sponsored inspections in Maryland, California, Virginia, and West Virginia; and (3) detailed reviews of the State grant applications and associated documentation submitted for MCSAP grants. Officials working for the States of California, Maryland, Missouri, Oregon, Virginia, Connecticut, New Jersey, Tennessee, Washington, and West Virginia; the American Trucking Associations; the National Tank Truck Carriers, Inc.; the Commercial Vehicle Safety Alliance; the Maryland Independent Truckers and Drivers Association; and the Insurance Institute for Highway Safety were interviewed. Special appreciation is expressed to James Bremner, who served as a technical consultant to CRS during the preparation of this report. Many FHWA staff, especially Nancy Emanuel, also provided much assistance.

MCSAP: STATUS AND CHARACTERISTICS

This section explains and describes MCSAP. It answers such questions as:

—what is the legislative history of MCSAP?
—how is MCSAP financed?
—what are MCSAP funds spent on?
—how is MCSAP administered?
—what are the beneficial results of MCSAP?
—how is MCSAP coordinated?
—what is the relationship of MCSAP to other Federal motor carrier safety efforts? and
—what is likely to happen if MCSAP were terminated?

LEGISLATIVE ORIGIN AND PURPOSES OF MCSAP

MCSAP was authorized by Section 402 of the Surface Transportation Assistance Act of 1982 (P.L. 97-424), which was enacted in early 1983. Under this program, the FHWA provides grants to the States to enforce Federal and compatible State motor carrier safety and hazardous materials transportation regulations affecting commercial motor vehicles and their drivers.[11] These grant funds may be used for the development and implementation of a State commercial motor vehicle safety program. According to DOT, "Major actions in a development grant include: planning a safety program, initiating legislative or regulatory action, formulating a budget, and preparing a State Enforcement Plan (SEP). The principal implementation activities are devoted to the recruitment, hiring, and training of state enforcement personnel (estimated to require as a minimum 6 months), and to the performance of roadside driver-vehicle inspections."[12]

As stated in the Code of Federal Regulations, (49 CFR 350.7), the objective of MCSAP is "to reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicles." FHWA seeks to accomplish this objective "by substantially increasing the level of enforcement activity and the likelihood that safety defects, driver deficiencies and unsafe carrier practices will be detected and corrected." FHWA presumes that truck and bus involvement in future accidents will be reduced by minimizing the hazards associated with large commercial motor vehicles on our Nation's highways. According to DOT, "past studies have shown that interstate motor carriers with good compliance practices tend to have fewer accidents than those motor carriers' with poor compliance practices."[13]

It is FHWA's policy to encourage each State to enforce uniform motor carrier safety and specified hazardous materials transportation regulations for both interstate and intrastate motor carriers and drivers. FHWA considers MCSAP to be a Federal-State partnership, providing guidance to States but generally not insisting on absolute uniformity, except in certain matters. For example, uniformity of types of inspection and out-of-service criteria are of utmost importance. FHWA seeks to encourage innovation in individual State MCSAP activities which does not thwart or diminish the statutory purpose of the overall program.[14]

MCSAP is a matching grant-in-aid program, with the Federal Government providing no more than 80 percent of the costs of the safety enforcement components of enhancing a State's commercial motor vehicle safety program.[15] The primary functions to be performed by States using MCSAP funds include: roadside inspections, accident investigations, and safety and compliance reviews conducted at carriers' terminals.[16, 17] In essence, FHWA is using a grant program to engage the services of State governmental officials, primarily inspectors, to promote two national safety objectives—(1) increased enforcement and compliance with the Federal or compatible State motor carrier safety and specified hazardous materials transportation regulations, and (2) the promotion of commercial motor vehicle safety. Part of the logic behind MCSAP is that increased enforcement presence should deter violations. If the risk of inspection are sufficiently great and if the penalties are high enough to deter non-compliance, a responsible carrier should have an economic incentive to correct safety defects prior to inspection. A secondary function of MCSAP is to develop a Federal/State data base to manage and coordinate resources used in MCSAP and improve its efficiency. MCSAP is not intended to replace or duplicate existing State truck and bus safety programs, but rather, to enhance existing efforts or to encourage States to create new programs if none previously existed.

FINANCING OF MCSAP

MCSAP is financed out of the Highway Trust Fund. In P.L. 97- 424, Congress authorized to be appropriated out of this fund the following amounts: $10 million for fiscal year 1984, $20 million for fiscal year 1985, and $30 million for fiscal year 1986. Subsequent appropriation acts funded MCSAP as follows: $8 million in fiscal year 1984, $14 million in fiscal year 1985, and $16.27 million in fiscal year 1986. P.L. 99-570 gave the Secretary of Transportation authority to incur obligations (contract authority) to implement Section 402 of the Surface Transportation Assistance Act of 1982 in the following amounts: $50 million per year for fiscal year 1987 and fiscal year 1988, and $60 million per year for fiscal year 1989 through fiscal year 1991. P.L. 99-570 allows FHWA to use an amount not to exceed ½ of 1 percent of those funds for the administration of MCSAP.

However, Congress also directed that not all of the contract authority funds will be used for MCSAP-related activities. Because of the required withdrawals from the contract authority levels presented above to pay for activities related to the commercial vehicle drivers license program, MCSAP received about $42 million for fiscal year 1988 and is expected to receive about $47 million each year, for fiscal year 1989 through fiscal year 1991.[18]

The MCSAP funding levels for each of the participating States for fiscal year 1987 is shown in table 1, and the status of fiscal year 1988 MCSAP allocation amounts are shown in table 2.

The amounts shown on these tables are the Federal contributions only and do not reflect the State's contribution to MCSAP, which may exceed 20 percent of the total [Federal and State]. The total MCSAP, including both Federal and State monies, in fiscal year 1987 was funded by approximately $60 million.[19]

TABLE 1.—STATUS OF FISCAL YEAR 1987 MCSAP APPLICATIONS TO DATE

Implementatin grants	Awarded amount	Development grants	
State		State	Awarded amount
1. Alabama	$1,004,189	1. District of Columbia	$50,000
2. American Samoa	190,722	2. Oklahoma	50,000
3. Arizona	736,310	3. Virgin Islands	49,000
4. Arkansas	775,261		
5. California	2,058,619	Total development	$149,900
6. Colorado	1,165,493		
7. Connecticut	574,000		
8. Delaware	271,842		
9. Florida	1,749,132		
10. Georgia	840,050		
11. Guam	225,000		
12. Hawaii	151,240		
13. Idaho	935,928		
14. Illinois	2,092,192		
15. Indiana	1,562,869		
16. Iowa	384,836		
17. Kansas	644,317		
18. Kentucky	1,055,940		
19. Louisiana	881,008		
20. Maine	270,559		
21. Maryland	932,000		
22. Massachusetts	590,460		
23. Michigan	2,368,931		
24. Minnesota	1,300,611		
25. Mississippi	449,187		
26. Missouri	916,109		
27. Montana	480,000		
28. Nebraska	382,620		
29. Nevada	462,002		
30. New Hampshire	326,262		
31. New Jersey	1,812,261		
32. New York	2,031,614		
33. North Carolina	1,394,057		
34. North Dakota	269,092		
35. Ohio	2,200,000		
36. Oregon	1,379,698		
37. Pennsylvania	2,125,680		
38. Puerto Rico	225,000		
39. Rhode Island	400,289		
40. South Carolina	262,106		
41. Tennessee	2,340,780		
42. Texas	730,917		
43. Utah	691,431		
44. Virginia	846,405		
45. Washington	1,696,154		
46. West Virginia	440,000		
47. Wisconsin	468,221		
Total implementation	45,451,594		
Total (development and implementation).	45,601,494		

STATES NOT PARTICIPATING

Alaska
New Mexico
Northern Marianas
South Dakota
Vermont
Wyoming

TABLE 2.—STATUS OF FISCAL YEAR 1988 MCSAP ALLOCATIONS [1] TO DATE

Implementation grants		Development grants	
State	Allocated amount	State	Allocated amount
1. Alabama	$903,226	1. Alaska	$50,000
2. American Samoa	134,403	2. District of Columbia	50,000
3. Arizona	615,099	3. New Mexico	50,000
4. Arkansas	597,083		
5. California	2,500,000	Total development	$150,000
6. Colorado	686,144		
7. Connecticut	425,000		
8. Delaware	224,079		
9. Florida	1,943,157		
10. Georgia	1,056,398		
11. Guam	225,000		
12. Hawaii	225,000		
13. Idaho	373,105		
14. Illinois	1,848,160		
15. Indiana	1,342,905		
16. Iowa	629,269		
17. Kansas	794,279		
18. Kentucky	940,144	STATES NOT PARTICIPATING	
19. Louisiana	764,891		
20. Maine	257,853	Northern Marianas	
21. Maryland	659,972	Virgin Island	
22. Massachusetts	746,771	South Dakota	
23. Michigan	1,929,472	Wyoming	
24. Minnesota	1,043,482		
25. Mississippi	610,685		
26. Missouri	1,062,992		
27. Montana	368,713		
28. Nebraska	487,442		
29. Nevada	256,728		
30. New Hampshire	225,000		
31. New Jersey	1,066,503		
32. New York	1,982,643		
33. North Carolina	1,255,620		
34. North Dakota	287,980		
35. Ohio	1,823,242		
36. Oklahoma	663,635		
37. Oregon	727,571		
38. Pennsylvania	1,928,102		
39. Puerto Rico	225,000		
40. Rhode Island	225,000		
41. South Carolina	348,837		
42. Tennessee	978,436		
43. Texas	2,500,000		
44. Utah	370,517		
45. Vermont	225,000		
46. Virginia	1,006,718		
47. Washington	1,278,317		
48. West Virginia	369,349		
49. Wisconsin	895,656		
Total implementation	42,235,478		
Total (development and implementation).	42,385,478		

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[1] An Allocation is the amount of funds authorized to the Regional Director for distribution to a State.

As explained below, States can receive MCSAP funds from two different administrative determinations: (1) from a basic formula distribution, and (2) from discretionary funds.

In creating MCSAP, Congress did not provide a formula to govern the distribution of available funds. Accordingly, MCSAP is a discretionary grant program. FHWA has elected to distribute MCSAP funds through a formula process that was developed by FHWA. The basic formula amount available to any participating State is distributed according to a formula based on such equally important factors as: road mileage of all highways in that State; vehicle miles travelled; number of commercial vehicles over 10,000 pounds; population; and the amount of State taxes collected on the consumption of diesel fuels in a particular State.[20]

In addition to the basic formula amount that each participating State receives, FHWA has designed the program to allow them, when additional monies are available, to provide extra or discretionary funds to States meeting specific requirements. For example, discretionary MCSAP funds can go to States proposing to conduct innovative commercial motor carrier safety measures in addition to those involving basic roadside inspections, to States focusing on those activities identified by DOT as emphasis areas, and to those States with an indicated ability to utilize effectively increased funding.

Discretionary funds become available from several sources: monies left over because all eligible States do not participate in MCSAP, monies left over because some States were only in the development phase of MCSAP and did not use implementation funds, and monies left over because all of the funds allocated to the States under the basic formula amount are not used. As MCSAP matures, the availability of discretionary funds is decreasing and is likely to eventually be nonexistent.

ADMINISTRATION OF MCSAP

The Surface Transportation Assistance Act of 1982 (P.L. 97-424) and its accompanying committee reports provide little congressional direction on the purposes, administrative structure, allowable expenses, and other programmatic aspects of MCSAP. Consequently, most of the structure and management of this program has been designed by FHWA officials.

Despite a rather limited staff of three full-time professionals that FHWA devoted initially to MCSAP, FHWA was able to get this program off to a fast start. P.L. 97-424 was signed into law on January 6, 1983. In August 1983, FHWA published the final regulations for the program in the Code of Federal Regulations. These regulations laid the foundation for the first award of appropriated fiscal year 1984 MCSAP funds during the December 1983-January 1984 period.

The administrative document that forms the basis of the grant process used to distribute MCSAP implementation funds is the State Enforcement Plan (SEP). This plan details how a State intends to conduct its commercial motor vehicle safety program tailored to the specific needs of that State and provides the basis for monitoring and evaluating a State's performance regarding its MCSAP effort. Each year, the SEPs are extensively analyzed and usually modified by an in-depth review process by various FHWA officials. These officials may include: the Regional Director, State Program Coordinator, Officer-in-Charge (OIC), or State Director (SD), as well as representatives from FHWA's headquarters office.

The administrative functions and responsibilities of various FHWA regional officials are summarized below:

"Regional Directors are delegated the responsibility and authority to approve State grant agreements in the MCSAP Program. Regional Directors utilize the Officers-in-Charge [or State Directors] in each State for the day-to-day management of the program, including guidance to the States, process review, and fielding requests for answers or resolutions of issues that come up from time to time. Regional Directors are required to follow Headquarters guidance and applicable statutes and orders. They use Regional Program Coordinators to monitor the Region's program and work with the OIC's [SD's] and States in obtaining information or decisions on issues, and for assuring certain programmatic documents and reports are received in the official file, as well as keeping Headquarters informed on issues, progress, and achievements. Notwithstanding assigned duties to Headquarters staff and regional and OIC/SD staff, the Regional Director is directly accountable for the program in his Region, and will give the MCSAP program the level of support, resources, and attention the program requires within his allocated resources."[21]

Approximately 80 FHWA employees spend a portion of their time working on MCSAP. There are about six FHWA employees working full- time at FHWA headquarters, who basically manage the program from a national perspective and are headed by the Chief of the State Programs Division of the Office of Motor Carrier Safety Field Operations.

The regional or field structure of MCSAP is evolving and changing, but it currently involves:

—nine regional directors, who generally devote a small portion of their time to MCSAP;

—44 officers-in-charge (OIC), who devote roughly 50 percent of their time to MCSAP activities;

—nine State or regional program coordinators, one in each of the FHWA regions, who devote 100 percent of their time to MCSAP;

—eight State directors, who are supposed to devote roughly 50 percent of their time to MCSAP; [22] and

—seven State program specialists, who devote close to 100 percent of their time to MCSAP activities and commercial driver licensing issues.

The administrative of the MCSAP grants appears to be gradually improving, partly due to actions of the FHWA and partly due to actions of Congress. Within FHWA, the day to day administration of the State grants is shifting to the FHWA regions. FHWA's regional directors have authority to sign all MCSAP grant agreements, but overall policy guidance is issued from headquarters. The responsibility for the technical review and evaluation of the SEPs has been transferred from FHWA headquarters to its regions. Because many of the State agencies participating in MCSAP and Federal program managers, especially at the regional level, were initially unfamiliar with Federal grants management, FHWA has developed a MCSAP grants management course at DOT's Transportation Safety Institute.[23] This training course should strengthen the grants management capability of FHWA's regional managers.

The major recent congressional effort to improve the administration of MCSAP is found in P.L. 99-570. As a result of this law, FHWA now has contract authority to disburse MCSAP funds to the States. Authorizations are no longer tied to the annual budget cycle. Consequently, for the first time in the approximate five-year history of MCSAP, FHWA was able to inform all of the participating States what the exact amount of their basic formula distribution would be for fiscal year 1988 before the first week of October 1987. In contrast, in previous fiscal years, most of the States did not learn what this amount would be until well into the fiscal year, because exact amounts could not be calculated until passage of appropriation legislation. This delay had increased the difficulty that State officials had in managing their MCSAP activities and retaining manpower resources.

Challenges that were encountered in implementing MCSAP were not only caused by various problems or situations on the Federal side, but they were, and in some cases, are also still caused by various State governmental constraints. These include:

—difficulties of starting up new State programs and activities (there is a learning process that State officials must go through);

—problems in hiring needed qualified staff, e.g., State personnel ceiling levels;

—procurement problems encountered in obtaining computer equipment, software, and training;

—problems encountered in obtaining matching State funds in a timely fashion;

—reluctance of, or difficulties encountered by, State legislatures in adopting all of the Federal motor carrier safety regulations or implementing compatible State regulations;

—problems in getting various, sometimes competing, agencies within one State government to cooperate with each other, (i.e., turf battles); and

—reluctance on the part of some States to initiate new and innovative federally supported enforcement efforts that require manpower without a long-term commitment for Federal funding. (There is still concern that the Federal Government may terminate this program after fiscal year 1991.)

FLEXIBILITY, INNOVATION, AND GROWTH OF MCSAP

MCSAP is not one uniform program; it currently consists of 52 different programs that share many similarities, with 48 States and 4 U.S. governmental entities involved. Each State implements its own MCSAP differently, depending on the conditions and circumstances prevalent therein. Some States are much more experienced in promoting commercial motor carrier safety than others. Furthermore, although there are uniform standards regarding the conditions under which a driver or vehicle must be declared out-of-service, various States emphasize different inspection and audit strategies in their MCSAP-sponsored activities.

A key characteristic of MCSAP is its flexibility and the discretionary authority that FHWA gives State safety officials. FHWA does not tell a State how to conduct each aspect of its motor carrier safety program or how to use each MCSAP dollar. FHWA does use broad guidelines and tries to improve the quality of the motor carrier safety enforcement programs of each participating State. However, the FHWA does set priorities on possible uses of the MCSAP funds. For example, FHWA has assigned a high priority for the use of MCSAP funds to pay for salaries of State inspectors.

States have proven their flexibility and innovativeness in using MCSAP funds—both to accomplish State purposes as well as Federal safety objectives. For example, California, Illinois, and Tennessee have used MCSAP funds to conduct special sampling checks on the front axles of truck-tractors. Several States have used MCSAP funds to check for multiple, suspended, or revoked driver licenses.[24] Both of these specialized inspection areas address current concerns now emphasized by FHWA.

As shown in table 3, FHWA and the participating States have successfully increased the number of vehicles and drivers inspected each year with MCSAP funds. In MCSAP's first effective year, fiscal year 1984, roughly 160,000 inspections were conducted under the program. In fiscal year 1986, the Federal/State partnership established by MCSAP resulted in 551,000 driver and vehicle inspections, with over 43,000 drivers and 214,000 vehicles removed from service for serious violations—as alleged by various safety inspectors—of the Federal or compatible State motor carrier and specified hazardous materials transportation regulations. MCSAP-sponsored State inspectors conducted approximately 997,515 driver and vehicle inspections during fiscal year 1987, with 364,944 vehicles and 57,581 drivers being declared out- of-service.[25] During the last five years, FHWA has stressed the need to increase the number of inspections and the States have responded accordingly. Table 3 is graphically displayed and expanded upon in figure 1. During the year prior to MCSAP (1983), FHWA staff conducted approximately 36,000 inspections. Data on the total number of State-sponsored inspections prior to MCSAP are unavailable.

TABLE 3.—THE GROWTH OF MCSAP

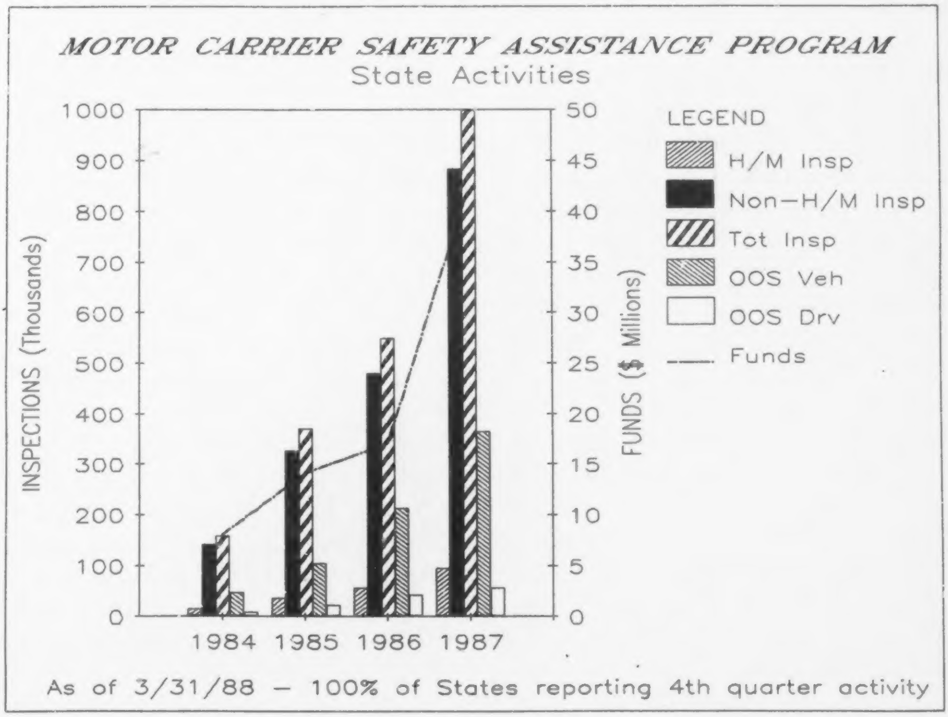
[Dollars in millions]

	Authorization	Appropriation	Total safety audits	Number of roadside inspections	Placed out of service
Fiscal year:					
1984	$10	$8	0	159,300	9,100 (drivers) 48,300 (vehicles)
1985	20	14	1,200	371,000	23,600 (drivers) 106,500 (vehicles)
1986	30	16.3	1,652	551,000	43,100 (drivers) 214,000 (vehicles)
1987	50	44.75	2,453	998,000	57,600 (drivers) 365,000 (vehicles)
1988	50	41.7			
1989	60	[1] 46.7			
1990	60	[1] 46.7			
1991	60	[1] 46.7			

[1] Projected.

Source: Various DOT documents. All figures rounded or estimated as appropriate.

FIGURE 1



Source: DOT NOTE: OOS Stands for Out-of-Service

As MCSAP has matured and grown, the scope and nature of MCSAP activities have expanded. In the early days of the program, the single major focus was to encourage the States to conduct roadside inspections. Although a major focus is still on roadside inspections, FHWA increasingly is encouraging the States to conduct safety reviews of carriers at their principal place of business, which is where their required safety records are kept.[26] Roadside inspections and safety reviews, together with the compliance reviews, are complementary in nature. They are all essential components of promoting motor carrier safety. However, during fiscal year 1988 only about 17 States are conducting or are planning to conduct safety reviews. [Inspection and audit activities are discussed in detail later in this report.]

USES AND CONTROL OF MCSAP FUNDS

As previously discussed, flexibility is a key characteristic of MCSAP. Therefore, it is not surprising that MCSAP funds are used for a wide diversity of purposes in participating States. These purposes include:

—to purchase equipment, such as vehicles or vans, and equipment (i.e., safety glasses and hard hats) used during truck and bus inspections;
—to provide travel expenses to meetings where issues of commercial motor vehicle safety are discussed;
—to conduct public (or industry) awareness programs regarding the relevant Federal and State transportation safety regulations;
—to train personnel to conduct various types of uniform truck, hazardous materials and bus inspections, safety reviews; and MCSAP grant management;
—to pay the salaries and certain job expenses (qualified food expenses, insurance costs, and retirement benefits) of various State safety inspectors as well as statisticians, computer operators, and clerical staff supporting and analyzing MCSAP operations;
—to pay for the development and distribution of a newsletter by the State of Utah on MCSAP and its activities;
—to recruit and screen personnel used in motor carrier safety programs;
—to conduct, on a very limited. ancillary basis, some alcohol testing of drivers;
—to conduct concentrated "strike team" enforcement activities;
—to pay motor fuel and motor oil bills used in traveling to and from safety inspections and audits;
—to pay for States to develop standardized curricula for the uniform training of inspectors;
—to pay for State officials to conduct safety reviews of carriers;
—to pay State officials to conduct compliance audits of carriers;
—to purchase first line or immediate emergency response equipment directly related to enforcement efforts; and
—to pay for the compilation of mailing lists of registered owners of commercial vehicles.

At various times in the grant process, FHWA, as well as State officials, monitor or evaluate whether MCSAP funds have been used for allowable expenses. State officials must submit documentation to

FHWA, essentially certifying that MCSAP funds were used for appropriate purposes. The Officer in Charge (OIC) or State Director (SD) in each State is charged with the responsibility to review how MCSAP funds are spent in the State for which he/she is the responsible official. Various FHWA officials also try to ensure that the States receiving MCSAP funds have conducted their respective programs as specified in their SEPs. Some States also have established fiscal control procedures to check vouchers and expenditures submitted for reimbursement under MCSAP.

BENEFICIAL RESULTS OF MCSAP

MCSAP has resulted in a wide diversity of benefits to the participating States, to the motoring public, and to the commercial motor carrier safety industry. Based on discussions with various industry, State and Federal officials, reviews of State Enforcement Plans, and first-hand observations of several MCSAP-supported inspections, these benefits include:

—increased uniformity of State and Federal motor carrier safety and specified hazardous materials transportation laws, regulations, and inspection procedures;

—reexamination of the effectiveness and future direction of State plans, policies, and programs to improve commercial motor vehicle safety;

—increased awareness and commitment of State officials to truck and bus safety, including continued emphasis on programs to prevent commercial motor vehicle accidents through communication and dialogue with the public and industry;

—collection and generation of an improved data base on motor carrier inspections and accidents;

—additions to, or in some cases, the establishment of, State inspection staffs and consequently, increased numbers of both quality and uniform roadside inspections and safety reviews;

—increased attention directed toward the inspection of buses and trucks transporting hazardous materials and wastes;

—increased compliance with the Federal motor carrier safety regulations, including the single driver licensing requirement, and Federal hazardous materials transportation regulations;

—increased compliance with compatible State motor carrier safety regulations;

—leveling of the "field" in motor carrier safety, (i.e., many intrastate commercial motor carriers that were not formerly subject to certain safety regulations are now being inspected and required to be in compliance with the same safety standards affecting interstate carriers);

—increased information sharing among States regarding activities useful in improving motor carrier safety;

—increased flexibility for the Federal motor carrier safety program; [27]

—identification of unsafe or unsatisfactory motor carriers, thus allowing better targeting for follow-up audits of carrier operations;[28]

—increased deterrent to unsafe commercial motor vehicle operations and drivers;
—increased inspection/enforcement presence;
—removal of many unsafe drivers and vehicles from the highway as a result of the issuance of out-of-service citations; and
—(very likely) a reduced number of deaths and injuries that might have otherwise been caused by commercial motor vehicle accidents.

In sum, there is now an increased national commitment, as evidenced by Federal, State, and some limited local governmental participation, to promoting commercial motor vehicle safety as a result of MCSAP.

The success that MCSAP enjoys is attributable to many individuals and organizations. The FHWA, the Commercial Vehicle Safety Alliance (CVSA), and numerous State transportation safety and enforcement officials each deserve some of the credit.[29] A continuing challenge is to find ways to improve the existing program within its budget limitations and within the constraints imposed by the numerous governmental entities making up the MCSAP family. Several options designed to help accomplish this objective are presented in the last section of this report.

COORDINATION WITHIN MCSAP

In general it appears that MCSAP is a carefully coordinated program although, as discussed later in this report, there are opportunities to improve this coordination. The need for coordination within MCSAP is clearly stated within the program's policy statement: "The requirement for compliance with safety standards in one State should be reasonably consistent with the requirements in another State. A coordinated program of inspection and enforcement activities is needed to avoid duplication of effort, to promote compliance with uniform safety requirements by all types of motor carriers, and to provide a basis for sanctioning carriers for poor safety performance."[30] The coordination from the Federal side comes from several lines of authority and supporting staff. In FHWA's headquarters, a major coordinating official is: the Chief of the State Programs Division within the Office of Motor Carrier Safety Field Operations which is in the Office of Motor Carriers in FHWA and his supporting staff of approximately six individuals. In FHWA's regions, there are: the Officers-in-Charge (OIC) or State Director (SD) which are the coordinating officials whom FHWA assigns to each State participating in MCSAP; Regional State Program Coordinators and State Programs Specialists that FHWA assign to each region to coordinate all of the OICs working in a particular region; and FHWA Regional Directors.

Each of these officials has different coordinating functions. One or more of these FHWA employees may seek: to coordinate the safety reviews conducted by FHWA inspectors with those conducted by State officials, coordinate the review of SEP documents, coordinate FHWA activities with those of the CVSA, promote MCSAP's national program objectives throughout the various FHWA regions, coordinate regional enforcement efforts, and promote relatively uniform activities within and throughout various FHWA regions. Coordination is also promoted through various FHWA meetings with MCSAP States.

FHWA achieves a fairly coordinated program not only through its internal organization, but by its frequent and continuing interactions with the CVSA. Working closely as members of various committees of the CVSA, FHWA officials have improved both the coordination and uniformity of MCSAP. This cooperative relationship has resulted in uniformity regarding requirements for the four levels or types of approved inspections and uniformity regarding out-of-service criteria for both drivers and vehicles. This uniformity is key to the safety improvement process.

Many CVSA States also coordinate their MCSAP inspection activities on a geographical or regional basis. For example, several western States conducted, in the fall of 1987, an intensive, multi-State, truck "saturation" inspection effort during a 72-hour period.

RELATIONSHIP OF MCSAP TO OTHER FEDERAL MOTOR CARRIER SAFETY EFFORTS

MCSAP is now a major component of this Nation's multi-faceted efforts to improve the operating safety of buses and trucks. Three other key Federal programs, laws, or efforts that are designed to further promote motor carrier safety include: the Commercial Motor Vehicle Safety Act of 1986, which creates a single license requirement for specified drivers; numerous current rulemaking proposals now being considered by the FHWA; and the regulatory review of all State motor carrier safety regulations affecting interstate commerce now being conducted by the FHWA pursuant to the Motor Carrier Safety Act of 1984.

Each of these programs/laws has important bearing on the future direction and shape of MCSAP. For example, the Commercial Motor Vehicle Safety Act of 1986 imposes new licensing requirements for specified drivers. Inspectors supported with MCSAP funds are beginning to check to ensure that drivers are not using multiple licenses which are prohibited by this Act. Likewise, new regulations pertaining to driver qualifications, commercial zones, and hours of service control such as recording devices that FHWA is working on, or is likely to start working on, could affect MCSAP-supported State inspections programs. FHWA's review of State regulations should further improve overall regulatory uniformity, thus making inspections more orderly and more consistent nationwide.

MCSAP is not, nor was it ever intended to be, a cure-all for all of the safety problems associated with truck and buses. As previously indicated, MCSAP is primarily geared towards increasing compliance with the Federal or compatible State motor carrier safety and highway-oriented hazardous materials transportation regulations. Checking for enforcement of these regulations at the roadside or at weight stations is unlikely in most cases, to catch speeders or those violating traffic operating rules and regulations. (These two areas are well known causes or contributors to many accidents.) Therefore, MCSAP cannot be expected to, and was never designed to be, a comprehensive means to reduce the frequency and severity of all commercial motor vehicle accidents. MCSAP is only part of a comprehensive safety strategy.

WHAT WOULD HAPPEN IF MCSAP WERE TERMINATED?

The role and importance of MCSAP varies substantially among the different participating States. Some States have made such a definitive commitment to improving commercial motor vehicle safety that their programs do not really depend on the availability of MCSAP funds. Senior officials of these States are so committed to the objectives of MCSAP that they would probably continue their enforcement efforts at approximately the same level even without MCSAP funds.[31]

For other States, especially those that are suffering because of relatively low oil prices, or are otherwise economically distressed, the loss of MCSAP funds would be significant to their motor carrier safety program. This loss would likely result in lay-offs of portions, if not all, of their inspection teams and substantial cuts in their commercial motor vehicle safety programs.

For yet other States, it is uncertain what effect the loss of MCSAP funds would have. For example, some States have not hired new employees to conduct MCSAP-funded motor carrier safety inspections. They simply have redirected staff from other functions. Unless other safety priorities were established, it is possible that many of these inspectors might continue in their current functions. Conversely, some States have hired many new personnel specifically to conduct motor carrier inspections. Unless State monies could be made available to replace Federal funding, these inspectors might lose their jobs.

Because of the national commitment and experiences that have been acquired by various State officials, industry's increased safety awareness promoted by CVSA, and the results that MCSAP has achieved, it is likely that many States would seek to maintain as much of their truck and bus safety programs as they could afford in the absence of Federal MCSAP funds.

To date the Congress has ensured the continuity of MCSAP funding through fiscal year 1991. The continued availability of MCSAP funds:

—ensures a basic core number of State motor carrier safety staff;
—allows some States to conduct innovative enforcement approaches or inspection-related programs that might not otherwise be pursued;
—aids the attainment of national safety objectives through coordinated State enforcement efforts; and
—assists States in their long-term motor carrier safety planning.

Accordingly, it is not surprising that many State officials are looking for a signal or assurance from the Congress that MCSAP will be extended beyond fiscal year 1991. The ability of State managers and legislators to plan effectively the future of their commercial motor vehicle safety and highway safety programs, which can provide funding for State inspection facilities, is facilitated by timely congressional decisions about future long-term MCSAP funding levels.

INSPECTIONS AND AUDITS OR REVIEWS

This section discusses the types, numbers, and characteristics of inspections and audits or reviews conducted with MCSAP funds. Selected purposes of these inspections and audits are listed. The lack of uniformity of fines imposed on drivers and carriers and its resulting implications also are described. The lack of or ineffective follow-up associated with many MCSAP-sponsored inspections is also analyzed.

INSPECTIONS CONDUCTED WITH MCSAP FUNDS

State officials supported with MCSAP funds conduct four major types of inspections of commercial motor vehicles:

Level I. North American Standard Inspection—According to FHWA, "an inspection that includes each of the items specified under the North American Uniform Driver/Vehicle Inspection criteria. As a minimum North American standard inspections must include examination of: driver's license, medical examiner's certificate and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, brake system, steering mechanism, wheels, tires. coupling devices, suspension, frame, fuel system, exhaust system, windshield wipers, lighting devices, cargo securement, and hazardous materials requirements as applicable." [32] (This is the premier type of inspection that is intended to focus on selected driver, vehicle, cargo placement, and hazardous material deficiencies that frequently cause an accident, or contribute to its severity. The major objective of the Level I inspection is to remove potentially unsafe drivers and imminently hazardous vehicles from the Nation's highways. A typical Level I inspection takes 20 to 35 minutes.)

Level II. Walk-Around Driver/Vehicle Inspection—"An examination that, as a minimum, includes: driver's license, medical examiner's certificate, and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, fire extinguisher, warning devices for stopped vehicles, head lamps, turn signals, stop lamps, windshield and wipers, wheels, tires, fuel systems, exhaust systems, visible brake components, coupling devices, cargo securement, low air warning device, visible suspension components, and hazardous materials requirements as applicable. It is contemplated that the walk-around driver/vehicle inspection will be conducted without inspecting underneath the vehicle." [33]

Level III. Driver Only Inspection—"An on-highway examination of the driver's operator license, medical certification and waiver if applicable, driver's record of duty status as required hours of service, seat belt, and vehicle inspection report." [34]

Level IV. Special Road Inspection—"Inspections under this heading typically include a one-time examination of a particular item. These examinations are normally made in pport of a study or to verify or refute a suspected trend." [35]

These four types or levels of inspection provide a great deal of flexibility. Table 4 shows the projected number of MCSAP-sponsored inspections and audits (SMA) and safety reviews (SR-I's) that are planned for fiscal year 1988. As indicated in the table, the primary form of inspection conducted with MCSAP funds is the Level I, North American Standard Inspection. Photographs of various inspection activities are shown in figures 2-6.

TABLE 4.—MCSAP PROJECTIONS FOR FISCAL YEAR 1988

State	Inspections				SMA's	SR-1's
	Level I	Level II	Level III	Total		
BASIC ALLOCATION						
Alabama	9,680	1,290	1,936	12,906	0	600
Alaska	0	0	0	0	0	0
Arizona	18,000	0	0	18,000	775	0
Arkansas	16,635	16,080	0	32,175	0	0
California	30,000	0	0	30,000	0	2,000
Colorado	7,000	13,000	0	20,000	0	0
Connecticut	11,050	1,950	0	13,000	700	0
Delaware	5,664	2,832	0	8,496	14	0
Florida	74,216	18,553	18,553	111,322	0	0
Georgia	22,082	0	0	22,082	0	0
Hawaii	9,900	0	0	9,900	495	0
Idaho	9,000	0	0	9,000	0	0
Illinois	80,000	0	0	80,000	0	390
Indiana	35,000	0	0	35,000	0	0
Iowa	19,000	5,500	8,000	32,500	260	0
Kansas	12,500	0	0	12,500	300	740
Kentucky	100,000	0	0	100,000	0	0
Louisiana	18,000	0	0	18,000	0	0
Maine	3,500	0	0	3,500	0	0
Maryland	19,000	0	11,000	30,000	90	200
Massachusetts	8,267	1,378	1,378	11,023	0	0
Michigan	35,950	0	0	35,950	320	0
Minnesota	25,000	0	0	25,000	20	600
Mississippi	8,930	3,251	2,168	14,349	0	0
Missouri	50,625	0	0	50,625	465	0
Montana	4,340	0	15,000	19,340	40	280
Nebraska	9,271	3,090	3,090	15,451	0	20
Nevada	5,900	0	0	5,900	10	845
New Hampshire	5,528	0	0	5,528	0	80
New Jersey	25,000	0	0	25,000	0	400
New Mexico	0	0	0	0	0	0
New York	43,000	0	0	43,000	75	0
North Carolina	28,813	28,813	0	57,626	500	0
North Dakota	6,000	0	3,000	9,000	0	200
Ohio	107,500	0	0	107,500	250	2,000
Oklahoma	8,000	4,000	4,000	16,000	0	0
Oregon	10,800	0	0	10,800	300	0
Pennsylvania	45,000	0	0	45,000	0	0
Rhode Island	3,930	707	1,000	5,637	0	0
South Carolina	10,000	0	0	10,000	0	0
Tennessee	89,900	0	0	89,900	150	0
Texas	120,600	0	0	120,600	0	0
Utah	4,000	0	0	4,000	225	0

State	Inspections				SMA's	SR-1's
	Level I	Level II	Level III	Total		
Virginia	9,000	3,000	0	12,000	0	0
Washington	30,000	50,000	0	80,000	60	0
West Virginia	14,000	0	0	14,000	0	468
Wisconsin	32,169	0	0	32,169	0	671
American Samoa	1,452	0	0	1,452	70	0
Guam	4,800	0	0	4,800	25	0
Puerto Rico	14,080	0	0	14,080	20	0
Total	1,262,082	153,444	69,125	1,484,651	5,164	9,494
SECONDARY GRANTS [1]						
Colorado	17,424	0	4,356	21,780	0	0
Connecticut	10,000	0	0	10,000	0	0
Idaho	4,500	0	0	4,500	0	0
Massachusetts	3,155	0	0	3,155	0	0
Rhode Island				([2])	0	0
Utah	5,000	0	0	5,000	500	400
Total	40,079	0	4,356	44,435	500	400
Grand total	1,302,161	153,444	73,481	1,529,086	5,664	9,894

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[1] FHWA awarded secondary grants to six States from discretionary funds to prevent the layoff of State personnel whose salaries could not be financed by their formula distribution. FHWA has informed these States that no commitment was intended for succeeding years when discretionary funds are expected to be unavailable.

[2] Inspections are included in basic allocation figures.

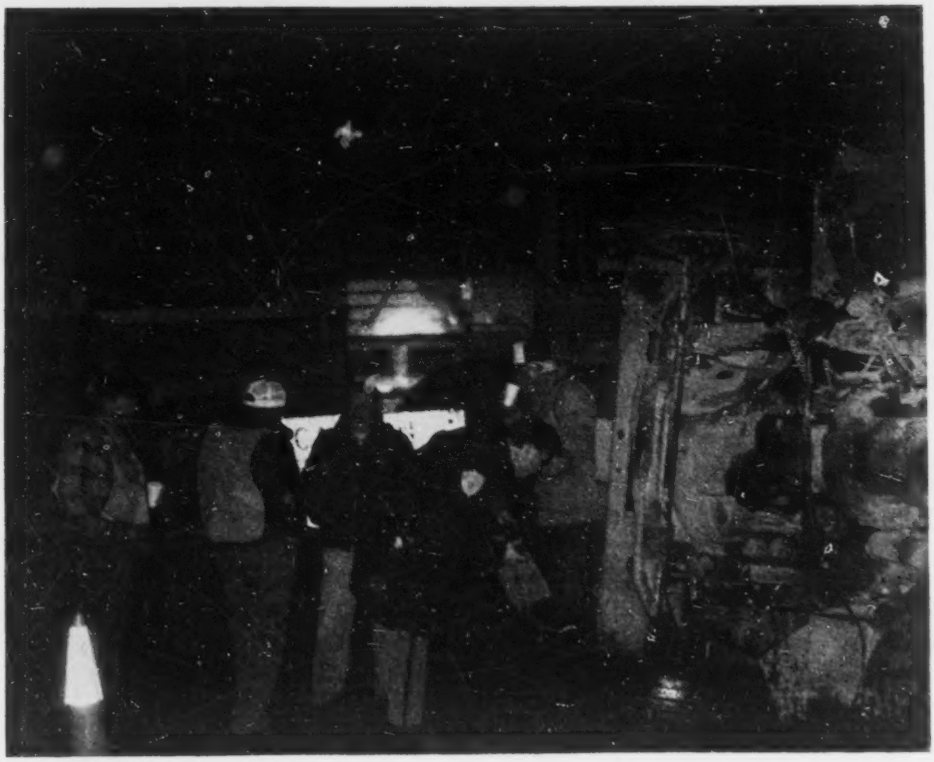

FIGURE 2.—MCSAP inspectors conduct some accident investigations that sometimes result in enforcement actions.

Source: Massachusetts Registry Motor Vehicles Police.

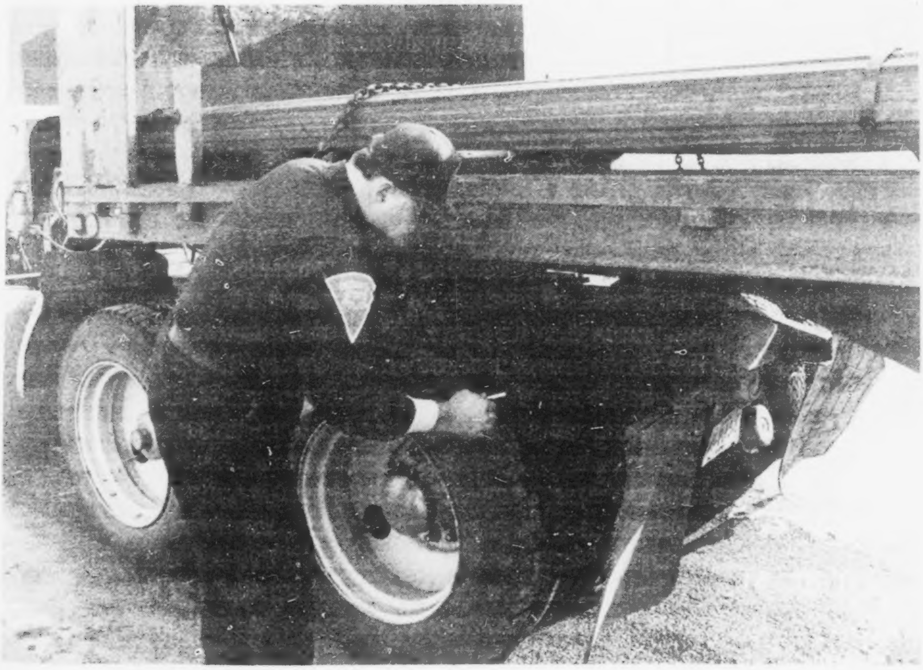

FIGURE 3.—MCSAP-sponsored inspectors check the thickness of tire tread. Source: Indiana State Police.

FIGURE 4.—MCSAP inspector placed this truck out of service because of a cracked brake drum.
Source: Connecticut Dept. of Motor Vehicles.

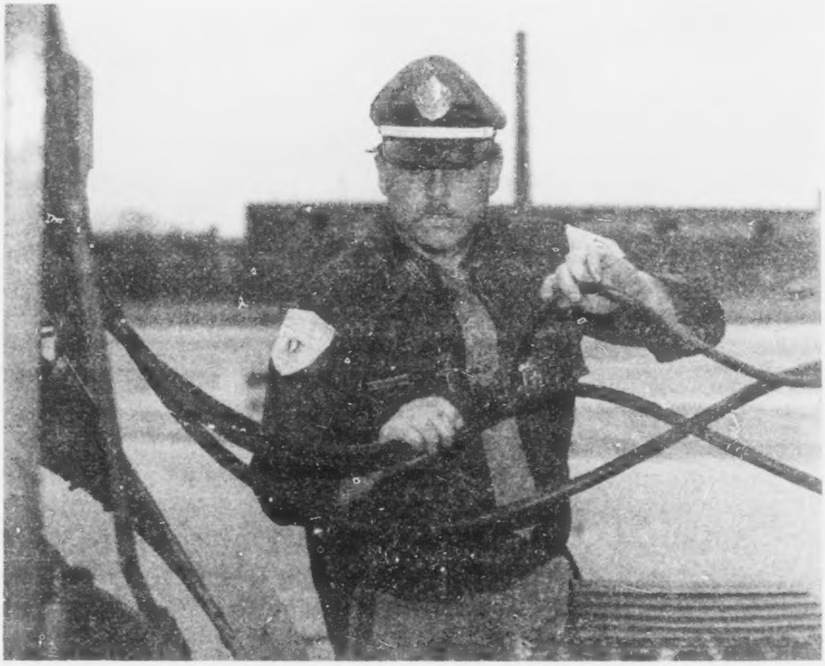

FIGURE 5.—MCSAP inspectors can look for unauthorized splicing of air brake hoses, which is an out-of-service violation.

Source: Massachusetts Registry of Motor Vehicles Police.

FIGURE 6.—MCSAP inspector of the Connecticut Department of Motor Vehicles put this vehicle out of service because the brake pad thickness was below minimum thickness.

Source: Connecticut Dept. of Motor Vehicles.

Inspections funded with MCSAP funds are conducted at a variety of different places and times. These include: along the roadside, at permanent and portable truck weighing stations, at special inspection pads, at ports of entry facilities, at carrier terminals only during compliance review or complaint investigations, at hazardous waste sites, at rest stations, and in various parking lots or right-of-way plots of land. Although quantitative data are unavailable, more than half of these inspections are estimated to be conducted at truck weigh stations or similar facilities. Although considerable flexibility is allowed, FHWA encourages that at least 75 percent of all MCSAP-funded inspection time be spent on conducting Level 1 inspections. Most inspections are conducted during peak travel hours; however, others are deliberately conducted during off-peak hours. FHWA encourages that at least once every quarter that the States participating in MCSAP select a constant set of conditions (time, duration, site) when inspections of drivers and vehicles are randomly selected. FHWA also accepts other inspection mechanisms that obtain roughly the same information that a random inspection yields.

States use several different strategies or approaches in their inspections. These include: one-person operations, two-person teams, mobile teams, special hazardous materials inspection groups, saturation inspection networks, and random inspections. Because various States have, to date, included different factors in their determination of the cost of an inspection, no average cost figure is currently available.

Inspections are of fundamental importance to achieving the objectives of MCSAP. Robert Lomas, President of the National Private Trucking Association, recently testified on the value of MCSAP- sponsored inspections. He stated:

"In NPTA's opinion, one of the most significantly beneficial safety programs of recent years is the Motor Carrier Safety Assistance Program ("MCSAP"). Not only have its monies fostered the States' adoption of the Federal regulations, the MCSAP program has contributed extensively to an increase in, and more effective enforcement of, the Federal regulations through the use of State enforcement personnel. Roadside inspections are one of the most effective means of detecting and placing out of service unsafe vehicles. As a result of MCSAP, there now exists an adequate number of trained enforcement personnel to run an effective roadside inspection program nationally." [36]

In addition to placing unsafe drivers and vehicles out-of- service, inspections can provide an indication that a motor carrier is not properly managing the safety aspect of his operations, e.g., not properly maintaining the fleet of vehicles. Inspection results, especially when combined with carrier accident profiles, also can suggest the need to target specific carriers for further compliance audits. Data from various roadside inspections combined with specific compliance audits can help build a case against an erring carrier that can be prosecuted in a civil forfeiture or criminal penalty proceeding, that may result in a fine. With the combination of inspections plus safety reviews and compliance audits or reviews, drivers, carriers and vehicles that do not meet Federal or compatible State regulations may be "corrected" before their continued deficient or non-compliance operation results in accidents and injuries, or death.

Thus, inspections may:

—deter unsafe carrier operations and drivers;
—promote the overall level of highway safety by removing out-of-service vehicles and drivers;
—assist in the identification of unsafe industry or company trends and practices;
—increase the costs of non-compliance;
—increase the monitoring of specific types of cargoes (hazardous materials), specific types of vehicles (double or triple combinations or unit trucks), or specific safety areas (compliance with single licensing or front brakes requirements); and
—provide statistical information required for a variety of purposes.

As shown in table 5, fiscal year 1988 MCSAP funds are used to support the inspection activities of approximately 2,900 inspectors—2,070 part-time and 830 full-time employees. These inspectors are supported by approximately 560 administrative staff. During fiscal year 1987 there were approximately 2,600 full- and part-time inspectors supported with MCSAP funds.

Tables 6 and 7 show the type and quantity of inspections conducted by these and associated inspectors, who were almost exclusively State governmental employees, during fiscal year 1986 and fiscal year 1987.

MCSAP funds are used to pay for the training of State and, infrequently, local governmental safety officials to conduct motor carrier safety and hazardous material transportation inspections. (Approximately 4,000 inspectors have been trained with MCSAP funds.) MCSAP funds also have been used to train State officials to conduct safety reviews. A uniform training package for compliance reviews is planned in conjunction with the participating MCSAP States and CVSA.

Training is provided in many forms, including:

—training at DOT's Transportation Safety Institute;
—training by FHWA regional and headquarters safety experts at specific State facilities;
—"train the trainer" courses conducted by State officials; and
—instructional materials developed by FHWA and sent to the States.

Proper training of inspectors is critical to the future success of MCSAP. Proper training promotes uniform and quality inspections. The training that is provided must be appropriate to the type of inspection that is conducted. Thus, it is not necessary that all inspectors be trained to be able to conduct the premier level of inspection, Level I. For example, conventional road troopers may be trained only to conduct driver only inspections (Level III), as a function of their normal traffic enforcement responsibilities.

To date, FHWA has not issued any recommended guidelines or required standards that specify the minimum type and amount of training needed by inspectors supported with MCSAP funds. However, FHWA has included in the State of Michigan's fiscal year 1988 grant funds to develop a MCSAP/CVSA standardized training curricula.

TABLE 5.—MCSAP STAFFING FOR FISCAL YEAR 1988

State	Administration				Direct labor			
	Total employees	FTE	Part time	Full time	Total employees	FTE	Part time	Full time
BASIC ALLOCATION								
Alabama	7	5.6	4	3	33	28.5	9	24
Alaska	1	1	0	1	0	0	0	0
Arizona	6	5	2	4	19	19	0	19
Arkansas	6	5.15	1	5	60	[1] 60	0	60
California	11	11	0	11	43	25.6	18	25
Colorado	9	7.4	2	7	14	14	0	14
Connecticut	4	4	0	4	11	11	0	11
Delaware	4	4	0	4	4	4	0	4
Florida	25	20.8	7	18	59	59	0	59
Georgia	6	5.7	2	4	34	32.3	17	17
Hawaii	3	1.5	2	1	12	7.6	12	0
Idaho	7	6.5	1	6	12	12	0	12
Illinois	14	14	0	14	408	89.55	338	70
Indiana	57	17.2	46	11	87	16.8	78	9
Iowa	24	6.13	23	1	91	14.64	91	0
Kansas	5	3.2	2	3	21	18.3	3	18
Kentucky	21	7	16	5	125	39.25	111	14
Louisiana	7	7	0	7	29	29	0	29
Maine	2	1.5	1	1	13	7.64	8	5
Maryland	3	1.8	2	1	41	21.4	40	1
Massachusetts	4	4	0	4	14	14	0	14
Michigan	20	10	20	0	140	31	140	0
Minnesota	20	10.3	16	4	70	27.7	60	10
Mississippi	8	6.8	3	5	27	16.2	27	0
Missouri	23	8.2	20	3	206	45.33	201	5
Montana	3	3	0	3	225	9.7	218	7
Nebraska	8	5.1	5	3	46	11	46	0
Nevada	2	2	0	2	47	9	43	4
New Hampshire	2	2	0	2	5	5	0	5
New Jersey	15	14.8	8	7	43	24.9	28	15
New Mexico	2	.8	2	0	0	0	0	0
New York	11	10.7	0	11	52	52	0	52
North Carolina	0	0	0	0	52	50.8	6	46
North Dakota	2	1	2	0	14	6	12	2
Ohio	25	19.8	16	9	58	52.2	58	0
Oklahoma	8	8	0	8	41	9.1	41	0
Oregon	21	8.9	14	7	88	30.9	82	6
Pennsylvania	17	7.8	12	5	117	38.1	95	22
Rhode Island	4	2.4	4	0	3	2.7	3	0
South Carolina	6	3.2	3	3	20	20	0	20
Tennessee	41	37.9	9	32	84	82.9	4	80
Texas	20	19	2	18	215	53.8	215	0
Utah	4	3.5	1	3	7	7	0	7
Virginia	4	4	0	4	17	17	0	17
Washington	17	10.6	8	9	32	32	0	32
West Virginia	9	4	8	1	23	18.2	5	18
Wisconsin	3	3	0	3	29	23	8	21
American Samoa	2	2	0	2	2	2	0	2
Guam	2	2	0	2	3	3	0	3
Puerto Rico	5	5	0	5	15	15	0	15
Total	530	355.3	264	266	2,811	1,219.1	2,017	794
SECONDARY GRANTS								
Colorado	3	2.2	1	2	29	11	20	9
Connecticut	0	0	0	0	6	6	0	6
Idaho	7	6.5	1	6	12	12	0	12
Massachusetts	2	1	2	0	7	3.5	7	0
Rhode Island	1	.9	1	0	6	5.4	6	0

State	Administration				Direct labor			
	Total employees	FTE	Part time	Full time	Total employees	FTE	Part time	Full time
Utah	15	5.4	13	2	21	12.6	14	7
Total	28	16	18	10	81	50.5	47	34
Grand total	558	371.3	282	276	2,892	1,269.6	2,064	828

[1] Includes staffing for base level of effort.

TABLE 6.—MOTOR CARRIER SAFETY ASSISTANCE PROGRAM STATE ACTIVITIES FOR FISCAL YEAR 1986

State	Inspections		Inspections		Out-of-Service		Audits	
	Hazardous materials	Nonhazardous materials	Bus	Total	Vehicles	Drivers	Total safety management	Hazardous materials
Arkansas	1,002	10,746	25	11,773	4,258	913	11	0
Arizona	433	9,021	46	9,500	4,505	1,892	624	0
California	2,944	16,979	725	20,648	3,737	559	0	0
Colorado [1]	86	959	1	1,046	326	69	0	0
Connecticut	354	5,148	51	5,553	3,527	233	0	0
Delaware	64	1,696	51	1,811	1,090	176	0	0
Georgia	3,243	12,897	253	16,393	8,078	4,646	0	0
Iowa	672	17,037	14	17,723	7,580	2,049	0	0
Idaho	515	8,456	48	9,019	2,450	687	0	0
Illinois	23,093	30,655	348	54,096	10,940	2,695	0	4
Indiana	935	12,308	86	13,329	5,704	1,066	0	0
Kansas	404	4,821	61	5,286	3,642	372	0	0
Kentucky	869	22,716	31	23,616	11,711	234	0	0
Louisiana	2,230	139	0	2,369	149	87	0	0
Massachusetts	89	4,113	0	4,202	153	49	0	0
Maryland	418	3,779	450	4,647	2,403	270	0	0
Maine	77	2,411	77	2,565	1,801	218	0	0
Michigan	1,164	38,729	2,355	42,248	12,595	792	53	0
Minnesota	752	23,460	1,053	25,265	6,080	254	41	10
Missouri	1,191	43,245	59	44,495	24,848	6,312	336	72
Montana	215	3,831	92	4,138	1,802	377	21	3
North Carolina	1,058	22,941	615	24,614	10,374	822	0	0
North Dakota	1,070	6,077	6	7,153	2,525	2,022	0	0
New Hampshire	631	4,689	25	5,345	534	150	0	0
Nevada	879	7,440	381	8,700	1,073	938	0	0
New York	2,172	1,959	([2])	4,131	([2])	([2])	([2])	([2])
Ohio	2,946	53,992	416	57,345	10,878	4,658	238	0
Oregon	985	14,748	80	15,813	8,515	482	45	12
Pennsylvania	1,606	11,172	613	13,391	4,971	987	0	0
Rhode Island	75	89	0	164	150	27	0	0
Tennessee	3,743	50,594	125	54,462	39,120	6,500	0	0
Utah	491	5,063	92	5,646	2,822	164	252	79
Virginia	304	2,398	289	2,991	1,137	58	31	0
Washington	879	11,970	2,511	15,360	6,679	232	0	0
Wisconsin	288	6,113	45	6,446	3,116	1,393	0	0
West Virginia	513	8,936	497	9,946	4,749	748	0	0
Total	58,390	481,327	11,521	551,238	214,022	43,131	1,652	176

[1] State not reporting 3 quarters.

[2] Not reporting.

TABLE 7.—MOTOR CARRIER SAFETY ASSISTANCE PROGRAM STATE ACTIVITIES FOR FISCAL YEAR 1987

State	Inspections		Inspections		Out-of-Service		Audits	
	Hazardous materials	Nonhazardous materials	Bus	Total	Vehicles	Drivers	Total safety management	Hazardous materials
Alabama	151	4,896	0	5,047	16	270	0	0
American Samoa	10	55	188	253	144	0	0	0
Arkansas	2,072	24,089	24	26,185	5,789	1,383	1	1
Arizona	0	22,654	0	22,654	4,364	2,323	507	0
California	2,277	28,370	777	31,424	9,300	420	0	0
Colorado	2,032	29,625	9	31,666	10,511	2,790	0	0
Connecticut	117	10,696	4	10,817	6,354	347	134	0
Delaware	360	3,366	157	3,883	2,001	309	0	0
Florida	3	67	0	70	19	8	0	0
Georgia	2,911	15,225	55	18,191	10,015	2,848	0	0
Hawaii	4	189	454	647	111	7	160	0
Iowa	640	20,682	1	21,323	9,842	2,259	0	0
Idaho	728	10,898	77	11,703	2,934	767	0	0
Illinois	33,510	37,128	147	70,785	13,284	3,721	0	0
Indiana	1,445	34,547	45	36,037	17,124	2,148	0	0
Kansas	844	10,384	9	11,237	6,789	620	75	6
Kentucky	2,354	56,476	4	58,834	35,578	937	0	1
Louisiana	7,943	3,675	1	11,619	3,583	824	1	0
Massachusetts	895	11,914	0	12,809	4,005	1,576	0	0
Maryland	1,215	9,015	195	10,425	4,445	738	0	0
Maine	184	4,049	47	4,280	3,291	99	0	0
Michigan	2,485	52,526	4,558	59,569	16,287	1,076	160	2
Minnesota	1,721	29,183	924	31,828	7,540	460	31	5
Missouri	876	39,688	12	40,576	20,899	4,729	567	76
Mississippi	13	3,555	0	3,568	693	260	0	0
Montana	135	3,422	17	3,574	1,483	253	13	7
North Carolina	3,267	47,758	618	51,643	19,321	1,838	8	2
North Dakota	494	5,220	8	5,722	2,085	393	0	0
Nebraska	118	1,254	0	1,372	831	142	0	0
Hew Hampshire	222	3,544	0	3,766	1,121	241	0	0
New Jersey	2,887	22,181	5,789	30,857	10,251	2	123	4
Nevada	1,281	7,363	442	9,086	2,694	343	2	0
New York	5,357	15,634	0	20,991	6,685	646	0	0
Ohio	3,729	85,466	338	89,533	22,402	6,222	168	0
Oregon	1,137	14,450	23	15,610	9,320	383	67	12
Pennsylvania	2,333	42,287	403	45,023	18,963	4,852	0	0
Rhode Island	332	2,597	0	2,929	1,574	280	0	0
Puerto Rico	269	873	23	1,165	946	381	0	0
South Carolina	299	6,480	61	6,840	3,236	596	0	0
Tennessee	6,614	82,419	86	89,119	43,084	6,026	121	24
Texas	972	24,510	0	25,482	0	0	0	0
Utah	486	6,759	0	7,245	3,287	145	244	60
Virginia	155	3,469	83	3,707	2,236	605	0	0
Washington	1,199	23,569	328	25,096	11,447	251	71	0
Wisconsin	246	10,362	7	10,615	4,138	2,076	0	0
West Virginia	748	11,402	559	12,709	4,922	987	0	0
Total	97,070	883,971	16,473	997,514	364,944	57,581	2,453	200

SAFETY REVIEWS AND COMPLIANCE REVIEWS

Although exact figures are unavailable, roughly 90 percent of MCSAP funds are used to conduct or support roadside inspections. However, there is a growing emphasis toward support of safety reviews and some compliance reviews.[37] FHWA provides MCSAP funds to the States to conduct a diversity of safety or compliance review activities. These include:

—follow-up audits to check that required repairs were actually implemented;
—reviews of principal place of business operations;
—reviews of hazardous material shipper and carrier operations; and
—safety reviews (SR-I), which, as discussed below, are the type of audit activity most likely to be supported by MCSAP funds during the next two years.

In the Motor Carrier Safety Act of 1984, Congress directed the Secretary of Transportation to establish a procedure to determine the safety fitness, i.e., to assign a safety rating, to owners and operators of interstate motor carriers. The primary focus of these efforts has been on the rating of currently unrated carriers. Because the number of remaining unrated interstate carriers is so large—roughly 140,000—the FHWA has enlisted the help of the States to assist in these ratings. During fiscal year 1988 approximately 17 States use, or are expecting to use, MCSAP funds to conduct safety reviews of unrated interstate, and intrastate carriers whose principal place of business (for safety record purposes) is in their State. To support these efforts, FHWA provides training for State inspectors to conduct safety reviews, called SR-Is.

These SR-Is are system reviews, each usually taking about five hours, including identification, travel, interview, and rating time, in which a carrier's ability to comply with the Federal motor carrier safety and specified hazardous materials transportation regulations is examined. The SR-I is an assessment of the safety management controls of a motor carrier. During the SR-I review, an inspector typically examines such items as: compliance with hours-of- service regulations, driver qualification documents, maintenance records, financial liability documents, and accident records. By analyzing various indicators of compliance, the inspector seeks a systems understanding of a carriers' operations. FHWA encourages inspectors to discuss various safety aspects of that carriers' operations with its senior management. Sometimes as part of an SR-1, inspectors provide educational materials or technical assistance to the motor carrier.

State inspectors, following a set procedure established by FHWA, supply information on interstate carriers to the FHWA, which then determines a safety rating for those carriers. FHWA's safety rating is designed to indicate the overall level of safety compliance achieved by a specific interstate carrier. For example, FHWA assigns the carrier either a satisfactory, conditional, or unsatisfactory rating. Conditional and unsatisfactory ratings may lead to compliance reviews of the carrier. Except for enforcement actions related to maintaining minimum levels of liability insurance, enforcement actions against carriers are not pursued by the FHWA as a result of information collected during an SR-I review.

FHWA requests that States wishing to participate in the SR-1 program agree to the following stipulations:

a. Data obtained during an SR-1 on interstate carriers will be submitted on the Federal Form MCS-151;

b. Those officers conducting SR-ls shall be adequately trained in Federal procedures;

c. SR-ls will be conducted only on interstate carriers designated by FHWA;

d. State officers participating in this program will be available to testify in enforcement actions or administrative hearing arising from information developed while conducting SR-ls;

e. SR-ls will be completed in accordance with Federal procedures; and

f. All-SR-1 activities wil be included in the State's quarterly MCSAP report.[38]

To a large extent, the States conducting SR-I are doing the FHWA a favor by participating in this congressionally mandated activity. The "downside" of the SR-I program is that limited State resources may be used to satisfy a FHWA need. It remains uncertain whether this use of a State's resources is as effective as conducting in-depth compliance audits on those carriers that perform poorly during roadside inspections.

VIOLATIONS, PENALTIES, AND ENFORCEMENT POLICIES

During MCSAP-sponsored roadside inspections, State officials find many different types of violations of the Federal or compatible State motor carrier safety and specified hazardous materials transportation regulations. Examples of frequently noted violations include: improper brake adjustments, inadequate brake linings, inoperative stop lamps and turn indicators, tires not meeting specifications, drivers failing to have a required medical certificate, and driver logbook infractions.

State officials take many different types of enforcement actions when they find that a driver or carrier has violated one or more of the Federal (or compatible State) motor carrier safety or highway-oriented hazardous materials transportation regulations. Letters of warning are sometimes issued. When the violations are imminently hazardous and meet specified criteria, vehicles or drivers are taken out-of-service presumably until the violation is corrected. Also, driver licenses can be revoked, and intrastate operating authorities can be restricted in some States.

Each State has its own enforcement policy and strategy. Some States generate substantial revenues (e.g., up to about $1.2 million each year) by imposing fines with tickets issued by various motor carrier safety inspectors.[39] Frequently, there is considerable flexibility in the type, nature, and amount of citation and associated penalty that may be levied under State or local laws. Some States may levy a $500 penalty while other States may impose a $50 penalty for the same violation. Some States will generally not issue a citation until three or more out-of-service defects are found. Penalties also may vary substantially among different jurisdictions even within the same State. Other States are less likely to impose such financial penalties. In most cases, placing drivers or trucks out-of-service may be more costly to a carrier than any likely financial penalty attached to a ticket for violations of the motor carrier safety regulations.

FHWA does not dictate the scope and nature of civil or criminal penalty enforcement actions that the States should take.[40] FHWA, aware that States historically have had the independent authority to establish financial penalties within their own jurisdictions, has shied away from any imposition on these rights. The Surface Transportation Assistance Act of 1982, which created MCSAP, does not authorize the Secretary of Transportation to specify such financial penalties for States. Thus, FHWA does not provide any guidelines or recommendations in this area. FHWA is more concerned that corrective action is taken to promote truck and bus safety than it is in ensuring that uniform financial penalties are imposed throughout the United States.

The American Trucking Associations (ATA) wants financial penalties that are issued by inspectors supported by MCSAP funds to be uniform nationwide. ATA maintains that increased uniformity would improve the credibility of the overall MCSAP.

The President of the ATA recently stated:

"At the present time, there are many persons in the trucking industry who have received unfair penalties and who therefore perceive the program as simply a money making scheme of the State governments. A Federal schedule would, for the most part, eliminate this perception and assure that the program is respectable, has a good image, and retains industry support." [41]

If a carrier or driver knew with certainty that he/she were likely to receive a substantial or meaningful fine, e.g., $200 for non-compliance or defective brakes, or $50 for non-compliance or defective lights, for a specified violation anywhere in the United States, he/she might be more likely to comply with the regulations. Workable, automatic, and reasonable financial penalties for substantive violations of the Federal motor carrier safety regulations and specified Federal hazardous materials transportation regulations or compatible State regulations is certainly a means of promoting compliance.

On the other hand, others argue that the prerogatives and rights of State governments and local magistrates and other State and local judicial officials should not be interfered with by Federal standards affecting the amount of penalties imposed for violations of motor carrier safety or hazardous materials transportation regulations.

EFFECTIVENESS AND INTEGRITY OF SOME MCSAP-SPONSORED INSPECTIONS ARE SUBJECT TO QUESTION

During MCSAP-funded inspections, State enforcement officers basically are looking for drivers, trucks, or buses that exhibit deficiencies in certain critical safety areas. FHWA requires that when specified defects are found in these critical areas, that out-of-service stickers be placed on the commercial motor vehicle in question. (Drivers can also be placed on out-of-service status and forbidden to drive until a specified problem, e.g., a suspended license or driving in excess of permitted operating hours, is corrected.) Trucks or buses receiving these out-of-service stickers must either be fixed on site or be towed to a repair facility, according to FHWA's requirements. Until recently, FHWA required that, when the needed repairs were completed, a representative of the motor carrier, usually the safety officer or another responsible official of the company, had to sign the inspection form certifying that the repair was completed and return it to the issuing State.[42] Gradually, FHWA has changed this MCSAP requirement to a strongly encouraged guideline. (FHWA claims to discuss with MCSAP States their need to follow this guideline.)

There are several fundamental problems with this and other FHWA requirements and guidelines, or lack thereof, that collectively place into question the integrity and effectiveness of the follow-up of many MCSAP-sponsored inspections and the anticipated repair of noted defects. Most importantly, FHWA does not require MCSAP-supported State inspectors to verify themselves that critical item defects are properly repaired on vehicles that are placed out-of-service.[43] Consequently, most State inspectors do not consistently check to ensure that a driver or mechanic has actually repaired the defect that triggered an out-of-service citation.[44] These inspectors and thus the integrity of MCSAP in most States currently rely heavily on a haphazard and inconsistently enforced process that allows industry to self-certify that critical safety defects are corrected properly.

Partly because of the lack of a uniform verification requirement, the effectiveness and the integrity of the follow-up component of many MCSAP-sponsored inspections can be subject to serious question. When MCSAP inspectors have not independently verified that critical safety defects were actually corrected, they cannot independently document that compliance has been achieved. Thus, there are several possibilities that can result as a consequence of a MCSAP-sponsored inspection in which critical out-of-service defects are identified:

(1) A mechanic or driver attempts a repair but does not properly fix a critical safety defect. The driver proceeds down the highway, thinking the defect has been properly corrected.

(2) A driver waits until the inspectors leave an inspection facility and then leaves without fixing the defects.

(3) A driver hires a tow truck to bring him to a repair facility. After being paid by the driver, the tow truck goes down the road several miles and releases the vehicle from tow and the vehicle continues on, unrepaired.

(4) A driver leaves the inspection facility unnoticed before fixing critical defects when the inspectors are busy conducting other inspections.

(5) The vehicle is properly fixed and returned to our Nation's highways without critical safety defects.[45]

There is no quantitative nationwide data that indicates the frequency that unfixed or improperly fixed vehicles are returning to our Nation's highways in an imminently unsafe condition after a MCSAP-sponsored inspection. It might be useful for FHWA to fund several carefully designed and comprehensive studies to obtain quantitative data on the percentage of critical defects identified during MCSAP inspections that are not fixed properly. This percentage would include those drivers who simply "run" an out-of-service citation. In order to avoid research bias, it would be essential to have a study conducted under the direct control of an independent individual or organization, e.g., an academic with background in transportation safety and expertise in research design. The researcher would have to be assured of the complete cooperation of State enforcement officials. Also, any studies should account for defects that are critical to safety and those that are not. In some cases, inspectors may be putting trucks out-of-service for defects that are not critical for safety and could be fixed on a less stringent schedule.

Probably, with most carriers and drivers, one would expect/hope that the defects are properly fixed and that an attempt to "beat the system" is never tried. However, again there is no nationwide quantitative data to test this premise.

Although some States may occasionally have an officer or inspector patrol the general inspection area for a few hours after an inspection, this system of follow-up cannot effectively ensure compliance. It would be totally ineffective in a situation in which a truck is towed away or supposedly is driven to a repair shop. Although a few States conduct a very limited audit program to check for required repairs, these efforts can only do a little to promote the integrity of the overall MCSAP.

Verification by a State inspector that critical safety defects were properly corrected would help ensure that MCSAP is achieving its major objective—promoting enforcement and compliance with safety regulations. Verification would also increase the credibility of the entire program and reduce MCSAP's heavy dependence on the self certification process now used on most State inspection forms. Furthermore, either a mandatory or random verification procedure (as discussed in the last section of this report would: (1) add to the economic incentive that carriers have to maintain and repair their vehicles in compliance with applicable safety regulations. (Carriers want to avoid the costs of having their trucks placed out-of-service and they also would want to avoid the travel and time costs of finding an inspector to have their repair jobs verified.); and (2) add to the overall enforcement arena by seriously retarding the efforts of those drivers or carriers who currently try to "beat the system."

It is well known that voluntary compliance is promoted by strict enforcement. A verification process would certainly add to the strict enforcement milieu of MCSAP.

A verification or reinspection process, either on a mandatory or random basis, has several disadvantages associated with it. The nature and degree of these "downside" considerations depend on the nature of the verification process. For example, a verification process would reduce the total number of trucks inspected each year with MCSAP funds. As calculated below, a random verification procedure, e.g., rechecking 1 out of every 5 vehicles placed out-of-service would result in a decline of roughly 2.5 percent (and probably less) in the total number of vehicles inspected each year under MCSAP. Likewise, a more rigorous verification, e.g., reinspecting two out of every five vehicles placed out-of-service, would result in a decline of roughly 5.0 percent (and probably less) in the total number of vehicles inspected each year under MCSAP. Second, a reinspection process would reduce the flexibility that State managers now enjoy, because they would need to dedicate some inspector time for reinspection activities. Likewise, the extent of this reallocation of time would depend on the nature—random versus mandatory—of the reinspection or verification process chosen. Third, a toll free telephone service would need to be established to help drivers find a "reinspector." The costs for maintaining such a number would be relatively minor. Finding an inspector is also a relatively minor problem because most drivers know where inspectors are working in a given area, primarily as a result of their CB communications. Fourth, any verification program would cause some inconvenience to companies and drivers that would need to be reinspected. As discussed in the last section of this report, steps can be taken to reduce these adverse impacts. However, the public can argue that carriers should never have allowed unsafe vehicles on our Nation's highways and that more trucks should pass inspection the first time and not need to go through a reinspection process. In order to avoid any further inconveniences, once vehicles are reinspected and found to be in compliance with safety regulations, then a sticker system similar or identical to the CVSA system might be implemented. Any vehicle receiving such a "reinspection" sticker could be assigned for a specified period (3 months) a low priority by inspectors when they decide on which trucks to conduct new Level I or II inspections.

Certain assumptions can be made to project the net costs of a reinspection program in terms of its likely impact on the total number of inspections conducted each year. If a conservative estimate is made that it takes about 10 minutes to conduct a reinspection only to verify that out-of-service defects were actually corrected and about 30 minutes to conduct an original Level I inspection, then based on the fiscal year 1987 MCSAP data, we can estimate the effects of a random reinspection program on total inspections.

During fiscal year 1987: about 1 million total Level I inspections were conducted, and about 365,000 vehicles were placed on out-of-service status as a result of these inspections.

If 1 out of every 5 vehicles that were placed out-of-service were reinspected, on a random basis, then there will be a need to reinspect roughly 73,000 vehicles. This means that roughly 24,300 less MCSAP-sponsored inspections would be conducted annually, assuming that one new Level I inspection can be conducted during the time it takes to do three reinspections. Therefore the total number of inspections would be decreased by about 2.5 percent in any given year.

Reducing the total number of MCSAP-sponsored inspections by such a small percentage is unlikely to have much impact on the success or importance of MCSAP. Even with a verification or reinspection program, MCSAP inspectors would still conduct about 900,000 or more inspections each year at current budget levels.[46] The need to maintain FHWA's emphasis on the quantity of inspections would be somewhat reduced when FHWA implements a forthcoming regulation that will require specified commercial motor vehicles to be inspected annually. Furthermore, it is unlikely that conducting 25,000 fewer inspections each year would have much impact on nationwide safety statistics. In fact, it is very likely that a greater contribution to safety would be achieved if more defective trucks, which are identified as a result of a MCSAP inspections, are actually fixed than is currently occurring.

The following table summarizes pro and con arguments regarding a verification program.

TABLE 8.—PRO AND CON ARGUMENTS REGARDING A VERIFICATION PROGRAM

Arguments against a verification program	Pro and counter arguments for a verification program
MCSAP is already a quality inspection effort that is widely respected and has much of industry's support.	MCSAP is a quality inspection effort, but the overall integrity and credibility of the program could be strengthened with verification that critical safety defects were actually corrected.
The number of drivers/companies not getting out-of-service defects fixed is small.	No quantitative assessment of the problem has been done. Nevertheless, FHWA and MCSAP States have, at all times, a responsibility to verify independently that vehicles inspected with MCSAP funds are returned without critical safety defects to our Nation's highways.
A reinspection or verification program would not be cost-effective.	No quantitative assessment has been performed. A reinspection program would ensure that the $42 million being spent on MCSAP is being used in a more cost-effective manner.
No verification requirement should be implemented until its need is carefully documented by selective studies.	While it is apparent that some type of verification process is needed now, study results could be useful in determining the eventual extent and nature of such a process. A verification process would help eliminate the ever present and continuous question of: "Has compliance been achieved?"
A verification program would reduce the total number of vehicles inspected each year.	The reduction could be minimized and the trade-off would be the assurance that more vehicles with critical defects are properly fixed.
A verification program would reduce flexibility that State managers now enjoy.	A verification program would promote national uniformity and program integrity and industry's respect for MCSAP.
Some States might drop out of MCSAP if reinspection was required.	This is an untested assertion. Uniformity to ensure integrity is sometimes necessary.
Verification that out-of-service defects were actually corrected would be redundant. Carriers already document that they fix defects.	Carriers sometimes return to the issuing State a self-certified inspection document that defects were corrected. The integrity of MCSAP should not be so heavily dependent on self-certification.
Audits are conducted on carriers to verify that defects were actually performed.	Only a few States conduct such audits and only on a very limited number of carriers. This cannot effectively promote the integrity of MCSAP.
Verification would pose a burden on carriers when inspectors are no longer available at a particular inspection site.	These carriers should never have allowed vehicles with critical out-of-service defects on our Nation's highways. A verification system could easily be devised that allowed carriers to have several days to find an inspector to sign off that critical safety defects were actually corrected. (See last chapter of this report.)

In addition to the lack of a uniform verification requirement, there are other problems with the follow-up component of the inspection process in some States. These are elaborated on below.

For many years, FHWA required that a copy of the inspection form given to the driver be mailed by the issuing State to his motor carrier.[47] FHWA has recently shifted its position, and it now strongly encourages States to follow this procedure, which now is considered to be only a strongly encouraged guideline. According to this procedure, the carrier must sign the inspection form and return it to the issuing State. FHWA did not uniformly enforce this requirement as evidenced by the fact that some States did not follow, or did not always follow, this mailing procedure. Likewise, some States are not now following this strongly encouraged guideline.

When this requirement/guideline is followed, safety problems are more likely to be brought to the attention of a company. This communication provides a systematic opportunity for carrier personnel to improve their critically important safety management function. Under the current system, some carriers are not made aware of safety violations that are identified during MCSAP-sponsored inspections. Some carriers have even complained to FHWA that some MCSAP States have failed to furnish a copy of the inspection report directly to them. Relying on drivers to provide a copy of the inspection form to management officials of a carrier apparently is not an effective means of ensuring proper notification of safety problems.

Furthermore, all States did not follow and seek to enforce FHWA's requirement that the motor carrier sign and return the inspection form to the issuing State verifying that any violations noted on the inspection report have been corrected. This former MCSAP requirement is now only a strongly encouraged FHWA guideline. For those States that still expect the inspection form to be returned, this State requirement is not always effective in promoting the follow-up component of the inspection. Frequently motor carriers, especially those domiciled in States other than the State conducting the inspection, do not return an inspection form. States are severely restricted in the resources and practical enforcement authority that they can exert against these interstate carriers. When an inspection form is not returned, some States send a copy of the inspection form to FHWA. This unreturned inspection form may be placed in the carrier's file. If and when the next FHWA compliance review is conducted on this carrier, an FHWA official may ask the motor carrier about his failure to return an inspection form.

It is FHWA's practice not to bring an enforcement action against a carrier for such a (single) violation because such an action would not be cost-effective.[48] Furthermore, because of the large number of unreturned inspection forms, FHWA's field staff is not large enough to conduct this oversight function. Because it is a State requirement that forms be returned when they are issued by a State enforcement official, FHWA attorneys are unlikely to pursue such a case. Until FHWA changes its enforcement practices, receives clear legal authority to pursue enforcement actions of this nature on behalf of a State, and actually undertakes several, deliberately well-publicized cases against carriers for such a violation, this follow-up component of MCSAP-sponsored inspections is likely to continue to suffer.

FHWA originally required MCSAP-sponsored inspectors to use a uniform inspection form, but because of State opposition, this requirement was not enforced. FHWA's current practice is to allow flexibility as long as specified data needed for SAFETYNET, which is discussed later, is supplied to FHWA. Consequently, there is a wide spectrum in the quality and requirements of State inspection forms. For example, not all State inspection forms have a place for the signature of the carrier and driver. All States do not require the signature of the driver or mechanic and the signature of a representative of the driver's motor carrier on the inspection form. State inspection forms do not uniformly require the place of employment or the home address of the mechanic performing the required repairs be given or that the mechanic's name be written legibly below his signature on the inspection form.[49] Thus, FHWA's current requirements, or lack thereof, have resulted in a collection of diverse State inspection forms that do not uniformly ensure the integrity of the inspection process, especially its follow-up component.

In sum, the integrity of the follow-up component of some MCSAP-sponsored inspections is subject to question for three major reasons:

1. FHWA does not have a requirement for reinspection or verification to ensure that out-of-service defects are corrected;
2. All of the States are not uniformly following FHWA's guidelines which are designed to strengthen the integrity and follow- up of MCSAP inspections; and
3. Many States rely heavily on a self-certification process that is inconsistently enforced and ineffectively audited.

In many cases, industry is "policing" itself because States inspectors are relying on industry's word that violations and safety defects are corrected properly. This is probably effective with many drivers and carriers; however, the current system which relies heavily on self-certification does not always ensure that the intended purpose of MCSAP is achieved.

As stated in the Surface Transportation Assistance Act of 1982, the purpose of MCSAP is to promote the enforcement of Federal or compatible State safety regulations. In implementing this program, FHWA in the Code of Federal Regulations stated that it is the policy of MCSAP to promote compliance with uniform safety requirements. According to FHWA, one of the major purposes of MCSAP is to reduce the number and severity of accidents by increasing the likelihood that safety defects will be detected and corrected. MCSAP has certainly increased the number of safety inspections, but there is insufficient assurance that safety defects that are detected are properly corrected in many instances. Should any vehicles inspected with Federal dollars be allowed to return to our Nation's highways with critical safety defects uncorrected?

Some States, however, do have follow-up procedures to try to ensure that carriers and drivers are having, or are certifying that, repairs are properly completed and deficiencies corrected. These procedures include: conducting carrier audits or reviews, requiring inspectors to sign-off on violations noted, and keeping a truck under surveillance at a 24-hour inspection facility. In two States, California and Tennessee, verification procedures are used to check that specified defects are fixed properly. Tennessee uses its verification procedure primarily at those inspection facilities that are open 24 hours a day.

In the last section of this report, several possible solutions or remedies to the problems noted above are presented. Although these options would require more work for inspectors and increased cooperation among the States, they should improve the integrity of the overall MCSAP effort by requiring more uniform and meaningful follow-up procedures.

PROMOTING THE QUALITY AND COMPREHENSIVENESS OF MCSAP INSPECTIONS

FHWA seeks to promote the quality of MCSAP-sponsored inspections in several ways:

—by working closely with the Commercial Vehicle Safety Alliance to improve the uniformity, quality, and procedures of MCSAP inspections and other State motor carrier safety practices;

—by requiring uniform procedures for the inspections supported with MCSAP funds;

—by supporting the CVSA development of uniform curriculum for the training of inspectors; and

—by monitoring the inspection activities of the States.

FHWA seeks to promote the comprehensiveness of MCSAP primarily during the review of each State's enforcement plan that is submitted as part of the grant application process. FHWA intends to fund a balanced program that reflects the unique circumstances of each State on their perceived needs and achieves Federal program goals. For example, FHWA encourages States to inspect buses when bus accidents are a problem or where there is a lot of bus traffic in a particular State. Likewise, FHWA encourages hazardous materials inspections in a proportion relative to the volume of hazardous materials traffic found in each State.[50]

Despite these and other efforts, achieving a uniform high quality of MCSAP-sponsored inspections continues to be of concern. Inspectors of some States will reinspect drivers and vehicles that have recently been inspected in other States because they simply do not trust the quality of the initial inspections. Others question the quality of some States' inspections because the percentage of vehicles and drivers found to be out-of-service varies so widely from those of other States. As indicated in tables 9 and 10, which present data on fiscal year 1987 inspections tabulated as of March 31, 1988, eight States are placing 25 percent or less of the Level I-inspected vehicles out-of-service, while ten States place more than 55 percent out-of-service as a result of Level I inspections. Likewise, seven States place less than 2 percent of drivers out-of-service, while 11 States place 10 percent or more out-of-service as a result of these inspections. As discussed below. there are several factors that may explain the wide percentage variations in out-of-service actions taken by different States.

TABLE 9.—STATE ACTIVITIES FOR FISCAL YEAR 1987

[Vehicles]

State	Total level one inspections	Out-of-service vehicles	Percent
Alabama	5,047	16	0.3
American Samoa	253	144	57.0
Arkansas	26,185	5,789	22.1
Arizona	22,654	4,364	19.4
California	31,424	9,300	29.6
Colorado	31,666	10,511	33.2
Connecticut	10,817	6,354	58.7
Delaware	3,883	2,001	51.5
Florida	70	19	27.1
Georgia	18,191	10,015	55.1
Hawaii	647	111	17.2
Iowa	21,323	9,842	46.2
Idaho	11,703	2,934	25.1
Illinois	70,785	13,284	19.0
Indiana	36,037	17,124	47.5
Kansas	11,237	6,789	60.4
Kentucky	58,834	35,578	60.5
Louisiana	11,619	3,583	30.8
Massachusetts	12,809	4,005	31.3
Maryland	10,425	4,445	43.0
Maine	4,280	3,291	76.9
Michigan	59,569	16,287	27.3
Minnesota	31,828	7,540	23.7
Missouri	40,576	20,899	51.5
Mississippi	3,568	693	19.4
Montana	3,574	1,483	41.5
North Carolina	51,643	19,321	37.4
North Dakota	5,722	2,085	36.4
Nebraska	1,372	831	60.6
New Hampshire	3,766	1,121	29.8
New Jersey	30,857	10,251	33.2
Nevada	9,086	2,694	29.7
New York	20,991	6,685	31.9
Ohio	89,533	22,402	25.0
Oregon	15,610	9,320	59.7
Pennsylvania	45,023	18,963	42.1
Rhode Island	2,929	1,574	53.7
Puerto Rico	1,165	946	81.2
South Carolina	6,840	3,236	47.3
Tennessee	89,119	43,084	48.3
Texas	25,482	NR	....
Utah	7,245	3,287	45.4
Virginia	3,707	2,236	60.3
Washington	25,096	11,447	45.6
Wisconsin	10,615	4,138	39.0
West Virginia	12,709	4,922	38.7
Total	997,514	364,944	37.0

TABLE 10.—STATE ACTIVITIES FOR FISCAL YEAR 1987

[Drivers]

State	Total level one inspections	Out-of-service drivers	Percent
Alabama	5,047	270	5.4
American Samoa	253	0	....
Arkansas	26,185	1,383	5.3
Arizona	22,654	2,323	10.3
California	31,424	420	1.3
Colorado	31,666	2,790	9.0
Connecticut	10,817	347	3.2
Delaware	3,883	309	8.0
Florida	70	8	11.4
Georgia	18,191	2,848	15.7
Hawaii	647	7	1.1
Iowa	21,323	2,259	10.6
Idaho	11,703	767	6.6
Illinois	70,785	3,721	5.3
Indiana	36,037	2,148	6.0
Kansas	11,237	620	5.5
Kentucky	58,834	937	1.6
Louisiana	11,619	824	7.1
Massachusetts	12.809	1,576	12.3
Maryland	10,425	738	7.1
Maine	4,280	99	2.3
Michigan	59,569	1.076	1.8
Minnesota	31,828	460	1.3
Missouri	40,576	4,729	11.7
Mississippi	3,568	260	7.3
Montana	3,574	253	7.1
North Carolina	51,643	1,838	3.6
North Dakota	5,722	393	6.9
Nebraska	1,372	142	10.4
New Hampshire	3,766	241	6.4
New Jersey	30,857	2	0.0
Nevada	9,086	343	3.8
New York	20,991	646	3.1
Ohio	89,533	6,222	7.0
Oregon	15,610	383	2.5
Pennsylvania	45,023	4,852	10.1
Rhode Island	2,929	280	9.6
Puerto Rico	1,165	381	32.7
South Carolina	6,840	596	8.7
Tennessee	89,119	6,026	6.8
Texas	25,482	NR	....
Utah	7,245	145	2.0
Virginia	3,707	605	16.3
Washington	25,096	251	1.0
Wisconsin	10,615	2,076	19.6
West Virginia	12,709	987	7.8
Total	997,514	57,581	5.8

The comprehensiveness of various MCSAP-sponsored State inspection efforts is also subject to question. A review of table 7 (which also deals with fiscal year 1987 data tabulated by FHWA as of March 31, 1988) indicates that some 20 States are conducting virtually no—less than 15—MCSAP-inspections of buses and about 30 States are not conducting safety management or compliance audits or reviews.[51,52] (It should be noted that FHWA does not require States to conduct these audits or reviews, even though these activities are a key component of promoting compliance with safety regulations.)

Although FHWA may have recently suggested to MCSAP States that 10 percent of their inspections be on trucks laden with hazardous materials, the actual percentage is determined by each State. Consequently, there are vast differences in the emphasis that various States place on hazardous materials inspections. As presented in table 7, four States conduct virtually no hazardous materials inspections, while one State—Illinois—conducts roughly 90 percent of its inspections on trucks transporting these materials. Illinois conducted more than 1/3 of all the MCSAP-sponsored hazardous materials inspections during fiscal year 1987. Louisiana, Tennessee and New York accounted for about 20 percent of these inspections nationwide.[53] For some States, there does not appear to be any relationship between the proportion of hazardous materials inspections conducted in a particular State and the proportion of hazardous materials trucks traveling on a State's highways. A map of the frequency and location of MCSAP-sponsored hazardous materials inspections during fiscal year 1987 is shown in figure 7.

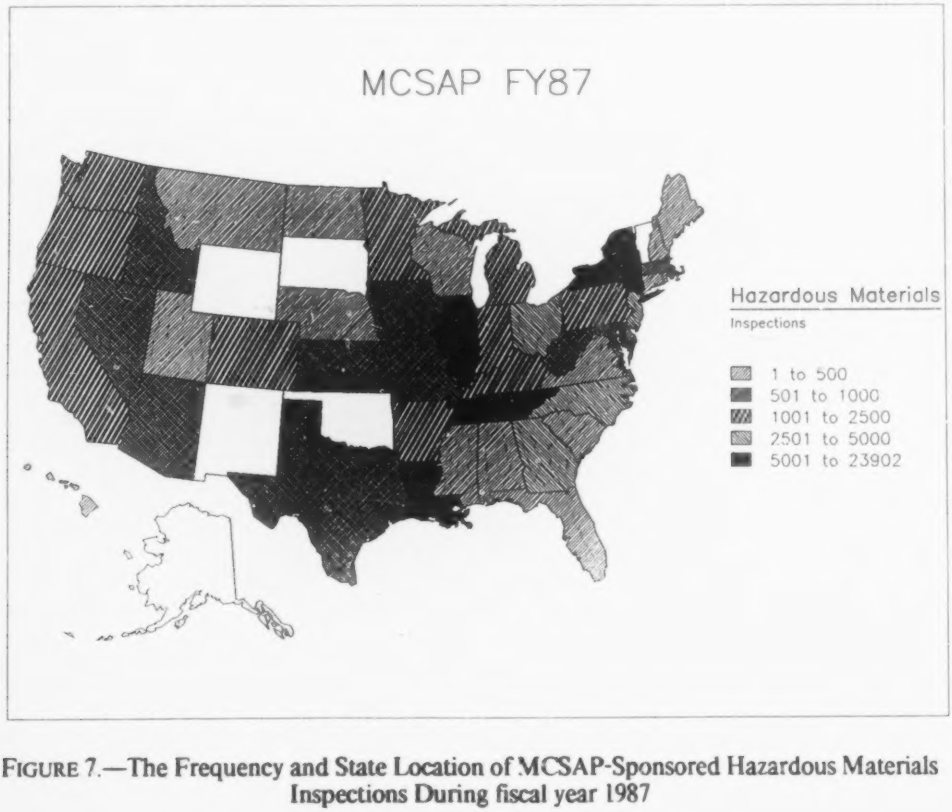

FIGURE 7.—The Frequency and State Location of MCSAP-Sponsored Hazardous Materials Inspections During fiscal year 1987

FHWA officials are beginning to address some of the criticisms that have been raised regarding the quality of MCSAP-sponsored inspections. FHWA is encouraging the States to examine the effects on out-of-service rates of randomly choosing trucks for inspection versus choosing trucks on other bases.

In a recent FHWA review of MCSAP, which is discussed in detail in the next chapter of this report, FHWA addressed: uniformity with the national driver/vehicle inspection procedures, including the out-of-service criteria; accuracy and timeliness of data reporting; and inspector qualification and training. These reviews resulted in recommendations to the various States regarding inspection site selection; inspection quality; uniform application of the out-of-service criteria; data collection, accuracy and reporting; and training needs.[54]

In a recent report, DOT's Inspector General maintained that some of the primary factors contributing to the variances in the quality of State inspection programs include: differences in criteria used by the States in selecting vehicles for inspection, differences in the depth of the quality of the inspections, inaccurate reporting of inspection data, and varying qualifications and experiences of State inspectors.[55]

HAS MCSAP RESULTED IN A REDUCED ACCIDENT RATE?

Table 11 presents data on the number of deaths associated with trucks weighing 10,000 pounds or more and accident statistics involving interstate motor carriers of property before and during MCSAP. From these data, it is not possible to quantify the extent to which MCSAP has affected the number of deaths, total accidents, or preventable accidents. There are currently many spurious or intervening variables which make the analysis too confusing to attempt. In addition, the validity of accident data for commercial motor vehicles is subject to question. Data bases on trucks and bus safety need to be improved substantially before more accurate analysis of questions such as these can be pursued more rigorously. For example, significant underreporting of the number of accidents detracts from the quality of data. In addition, various States include different types of vehicles in their accident data systems. Thus, partly because of such differences, it is difficult to obtain a reliable national perspective on commercial motor vehicle accident statistics. Any analysis of the impacts of MCSAP also would need to take into account such variables as: total number of industry miles driven, vehicle population, number of additional companies engaged in the motor carrier industry since MCSAP-sponsored inspections started, and the number of preventable and non-preventable accidents. Questions also can arise regarding the accuracy of these data.

It is quite likely, however, that MCSAP has helped save lives and reduce injuries, prevented some accidents from occurring, and reduced the severity of some accidents. Some of the States in their State Enforcement Plans (SEPs) indicate that the number of commercial motor vehicle accidents and their severity has been decreasing recently, but other States show an increase or no meaningful trend. However, it remains uncertain what portion of this improved accident record is directly attributable to MCSAP. Nevertheless, one would expect that getting unsatisfactory drivers and vehicles off the road would have a beneficial impact on safety and safety statistics. But, again, this is hard to demonstrate statistically.

TABLE 11.—FATALITY STATISTICS INVOLVING INTERSTATE AND INTRASTATE TRUCKS WEIGHING 10,000 POUNDS OR MORE AND ACCIDENTS INVOLVING INTERSTATE MOTOR CARRIERS OF PROPERTY

	Fatalities [1]	Accidents [1]
Year:		
1980	5,379	31,388
1981	5,230	32,306
1982	4,646	32,277
1983	[2] 4,877	31,628
1984	5,124	36,853
1985	5,153	39,273
1986	5,094	[3] 26,176

[1] These statistics should be considered to be indicators of truck safety. Data on the number of fatalities are obtained from the National Highway Traffic Safety Administration's FARS system, while data on the number of accidents are obtained form the Office of Motor Carriers' interstate carrier reporting system.

[2] MCSAP legislation enacted.

[3] The financial threshold level for determining what incident would be recorded as an accident was raised in 1986.

Source: DOT.

ADDITIONAL CONCERNS ASSOCIATED WITH THE IMPLEMENTATION OF MCSAP

This section presents additional concerns associated with the management and implementation of MCSAP. First, FHWA's recent internal review of MCSAP is summarized. Next, the current status and outlook for SAFETYNET, MCSAP's management information system, is reviewed. Other areas of concern, such as lack of uniformity of financial penalties and lack of training guidelines, have been discussed previously.

FHWA'S REVIEWS AND OVERSIGHT OF MCSAP

In late 1987, FHWA released a comprehensive review of the fiscal year 1986 operations of MCSAP.[56] This review involved nearly 150 FHWA employees working a total of some 9.4 man-years and cost roughly $700,000. FHWA's analysis suggested that in general MCSAP was being effectively and efficiently implemented, but there were both management- and safety-related problem areas that needed to be addressed further. FHWA stressed that some of the deficiencies disclosed during its internal review already have been remedied, while corrective actions on others were being pursued by either the participating MCSAP States or the FHWA.

Some of the more striking deficiencies or areas of concern noted by FHWA in its review of the fiscal year 1986 MCSAP operations of 36 States are summarized as follows:

1. Eleven States had deficiencies in their State Enforcement Plan (SEP) budget document, which is MCSAP's grant application plan. (For example, FHWA found that 5 States needed to clarify cost categories, and 6 needed to reconcile initially approved budget and actual expenditures.);
2. Thirteen States had deficiencies in their inventory control of equipment purchased with MCSAP funds;
3. Eleven States were identified as having problems with their time record procedures;
4. Five States were judged to have deficiencies in their accounting systems;
5. Six States needed better documentation for expenses vouchered by subgrantee agencies and better oversight of these expenses;
6. Five States were not maintaining adequate documentation to support equipment purchase and delivery;
7. Deficiencies in the vouchering processes were identified in 22 States. There were 14 States that had a need for more accurate billing of personal services, while six had a need for more accurate examination of service and equipment expenses charged to the MCSAP grant;

8. Fifteen States were identified as not having the full range of current Federal or compatible State safety regulations, while twelve States had a need for additional regulations. (Congress specified in P.L. 97-424 that States participating in MCSAP had to adopt, or had to be in the process of adopting, identical or compatible regulations to those of the Federal Government);[57]

9. Ten States were found either not to have the authority or the procedures in place to require the "declaration of knowledge" statement by commercial motor vehicle registrants. (Congress required participating MCSAP States to require registrants of commercial motor vehicles to make a declaration of knowledge of applicable Federal and State rules and regulations.);

10. Five States needed to have their State legislatures grant a right of entry and inspection authority sufficient to enforce applicable safety regulations. (Congress required that a State provide a right of entry and inspections sufficient to enforce safety regulations); and

11. In 15 States, the standardized and required driver-vehicle inspection procedure was not being followed in all instances. (In eight States, inspectors were not always performing the brake adjustment measurement as prescribed. In 12 States there were either inconsistent out-of-service criteria or practices being used.) [58]

In a review of FHWA's internal operations of MCSAP, FHWA found that there was:

1. Need for improved review and evaluation of the State's SEPs;
2. Need for additional oversight by FHWA's Regional Office of Motor Carrier Safety of the Officer in Charge's (OIC) monitoring plans;
3. Need for improved policy and administration guidance from FHWA headquarters;
4. Need for a regional policy to encourage joint enforcement and training between Federal and State personnel;
5. Need for regional and State-level OMCS staffing and resource evaluations. (No FHWA regional or FHWA division office conducted an evaluation of staffing or FHWA resources for MCSAP.); and
6. Need for increased MCSAP training for field and State personnel.[59]

As discussed in the last section of this report, FHWA's findings suggest the need for additional monitoring and compliance efforts to improve the management and implementation of MCSAP.

In view of the problem areas that FHWA found with its own operations, it might be worthwhile for the General Accounting Office (GAO) to conduct an independent audit of FHWA's regional and State implementation activities related to MCSAP. GAO is not currently conducting any work specifically on MCSAP.

SAFETYNET: SO MUCH FURTHER TO GO [60]

SAFETYNET is a database system that was intended to help State officials manage their MCSAP efforts as well as handle FHWA's reporting requirements of the program. As currently envisioned, SAFETYNET will eventually allow FHWA and States to manage and share: (1) data collected during safety inspections of both interstate and intrastate commercial vehicles; (2) accident data; (3) results from State-conducted motor carrier compliance audits or reviews; (4) reports of integrated data residing in either the State's data base or DOT's data base; (5) data files, messages and many other useful files concerning SAFETYNET; (6) enforcement actions and dispositions; and (7) driver-related data. The hardware for this management information system consists primarily of a configuration of numerous, remotely located microcomputers linked to a host macrocomputer at the DOT computer center. FHWA allows and encourages MCSAP funds to be used to procure hardware, software, personnel, and contractor assistance to set up and use SAFETYNET. However, it should be noted that the costs for SAFETYNET development, unless performed in cooperation with a State, are paid from contract funds of FHWA and not from MCSAP funds.

Eventually, SAFETYNET should make processing information used in and needed for MCSAP more efficient. If a comprehensive SAFETYNET system were functioning fully, Federal or State inspectors and program managers would be able to obtain a more informed perspective on the safety record of a particular carrier. Specifically, these officials could obtain the results of all inspections conducted on a specific carrier as well as a safety profile of that carrier. This profile may eventually contain data on accidents involving that carrier as well as safety review information. State and Federal officials could use this information to target more effectively additional inspections and, perhaps, compliance reviews of carriers with unsatisfactory inspection and accident profiles. This targeting would allow more efficient use of inspector time, which is expensive. In addition, nationwide summary information collected by SAFETYNET could be used as a basis for FHWA to identify recurring safety problems and plan corrective actions.[61]

SAFETYNET was intended to be an integral part of MCSAP. Not only could management of MCSAP be improved, but analysis and evaluation, could be strengthened if a comprehensive and fully functional SAFETYNET system were operating. For example, with a comprehensive and reliable SAFETYNET system, States would be able to analyze questions, such as: Are trucks or drivers that are more frequently involved in accidents, the same trucks or drivers that perform poorly during safety inspections? This comparison might provide States with further insights into the effectiveness of their safety programs. Such information might indicate the need to spend more funds conducting audits and analyses than on more roadside inspections.

SAFETYNET also could be of increased value to the Congress as it oversees the progress FHWA has made in conducting MCSAP. For example, SAFETYNET may eventually supply Congress with improved and comprehensive statistical information on the implementation and results of MCSAP.

Currently, if their State has an operating system, a State MCSAP supervisor can use SAFETYNET to compare the effectiveness of various State inspectors by examining their work output and quality, and the average time they take to conduct their inspections. The existing SAFETYNET system also can help reduce the time spent in completing the Federal paperwork requirements of MCSAP by automating reports. Instead of manually tabulating various inspection data that must be submitted to FHWA, States can tap their SAFETYNET system and transmit quarterly reports electronically to FHWA.

Because SAFETYNET is not yet fully operational, there is no centralized information base that can be used to assess overall compliance with motor carrier safety and highway-oriented hazardous materials transportation regulations. Thus, it remains difficult to evaluate quantitatively the overall effectiveness of MCSAP.

A fundamental problem with SAFETYNET is that only a part of the system is available and only some of the States are using the part of SAFETYNET that is available. In fact, only the inspection module, the first module of SAFETYNET, is available for widespread distribution to States participating in MCSAP. About 33 States have the capability to use the inspection module to upload or send needed information to FHWA. SAFETYNET's accident and audit modules as well as other supporting software systems are still being developed and tested.

Based on FHWA's overall system design, its proposed time schedule to advance this system, and FHWA's past progress, approximately three to five additional years will be required before a comprehensive SAFETYNET system with all of its supporting software systems will be fully operational. As the different phases of MCSAP are gradually completed, this management information system is likely to be of increasing importance to MCSAP. FHWA has currently assigned the equivalent of 2.5 full-time systems analysts and supervisors to work on SAFETYNET. FHWA has already spent or committed about $1.0 million on SAFETYNET development contracts. Of this amount, almost one-half is State MCSAP funds supporting cooperative development efforts and the remainder is motor carrier safety research funds. These amounts do not include MCSAP grant expenditures the States have made to implement SAFETYNET in their jurisdictions.

Why has it taken FHWA since July of 1983 to get only part of the SAFETYNET system into operation? Why will it take at least three more years before SAFETYNET is entirely operational? Based on discussions with various Federal, State, and others concerned with, or involved in, the implementation of SAFETYNET, numerous reasons might be suggested to explain the problems that have and, in some cases, will continue to affect SAFETYNET. These include:

—the design and development of SAFETYNET could not be funded out of MCSAP appropriations; consequently, funds for SAFETYNET had to be drawn from limited Office of Motor Carrier/FHWA administrative and research funds;

—many States did not have the necessary computer background or experience to implement SAFETYNET expeditiously;

—some States had virtually no experience in truck safety enforcement activities and consequently, time was required for these States to set up their MCSAP activities;

—uniform data collection and analysis was difficult because without a national identification number for specific carriers it is rather time consuming, if at all possible, to identify he inspection or accident reports of a particular carrier; [62]

—the development of this identification system has been time consuming;

—substantial time was required to identify the need and objective of each module and then design, develop, and test them;

—some of the other remaining portions of SAFETYNET still need considerable work and testing;

—procurement and contract problems at FHWA delayed for many months the contract to establish an accident module for SAFETYNET;

—setting up the specifications of an accident module proved challenging. States varied substantially in the ways in which they collected data, and defined trucks and accidents in different manners; and

—the scope of MCSAP is expanding rapidly while the state of computer technology also is rapidly advancing.

OPTIONS INTENDED TO STRENGTHEN AND IMPROVE MCSAP

One or more subcommittees of the 100th Congress are likely to conduct oversight on MCSAP. Later, Congress will likely review and determine the future of this program. As part of these proceedings, the question of how this program can be improved will undoubtedly be raised. This section presents nine options that may strengthen and improve MCSAP. These options are:

—increase local or county police involvement in MCSAP;

—issue recommended guidelines or standards for financial penalties imposed on carriers or drivers for violations of the Federal motor carrier safety and/or highway-oriented hazardous materials transportation regulations;

—increase congressional guidance regarding the objectives and future direction of MCSAP;

—use MCSAP funds to educate further State officials regarding the importance of compliance with the Federal or compatible State motor carrier safety and highway-oriented hazardous materials transportation regulations;

—direct FHWA to publish an official FHWA newsletter on MCSAP;

—direct FHWA to accelerate the development and implementation of SAFETYNET to accomplish these objectives expeditiously;

—expedite the improvement of the Federal motor carrier safety and the hazardous materials transportation safety regulations;

—increase personnel administering MCSAP at FHWA headquarters and regions; and

—promote the integrity of MCSAP-sponsored inspections by requiring stringent follow-up procedures.

INCREASE LOCAL OR COUNTY POLICE INVOLVEMENT IN MCSAP

As it is currently structured, MCSAP is not intended to make effective use of each State's local or county police in promoting the safety of commercial motor vehicles. When it applies for MCSAP funds, a State government must essentially, upon its own initiative, request funding for local governmental participation in MCSAP. Consequently, MCSAP almost entirely funds State employees. Furthermore, there is no requirement that State governments using MCSAP funds encourage local or county police officers to conduct inspections of trucks and buses.

FHWA, it appears, has never officially discouraged the use of local or county officials in MCSAP. On occasion, FHWA has even allowed States to use portions of their MCSAP funds to train local or county police officers on the Federal motor carrier safety regulations even though the officers trained were not going to be supported with MCSAP funds. Currently, MCSAP funds are used to pay portions of the salaries of local enforcement officials in only about three States.

In order to ensure increased use of local or county police in MCSAP, Congress may wish to consider the option of mandating that a specified percentage of a State's MCSAP funds be allocated to local governmental entities. Perhaps, 5 to 15 percent might be considered as appropriate, with the specific percentage determined after careful study.

Such allocated MCSAP funds could be used primarily to help train many additional local and county police to promote commercial motor vehicle safety. While conducting their conventional safety functions, local or county police officers could simultaneously inspect for certain violations of the Federal or compatible State motor carrier safety regulations. For example, these officers could be trained to conduct Level II inspections which include a driver inspection and inspection of various vehicle components, but which does not require special equipment or clothing. Such a trained officer could ask for and inspect a driver's medical certificate; could walk around the truck, examining specified items such as tires and air hoses; and, perhaps, could review for compliance the shipping papers and placards on trucks transporting hazardous materials. (Because of the complexity of the Federal hazardous materials transportation regulations, special in-depth training would be necessary to ensure quality and uniform inspections of these regulations.)

To reduce training costs, it might be worthwhile to focus any additional MCSAP-sponsored activities of local and country police on the Federal motor carrier safety regulations. Alternatively, these same inspectors could be trained just to conduct a Level III or driver-only inspection. Proper training would be essential to reduce the number of instances in which improperly trained police cite alleged motor carrier safety violations that are actually not violations, thus causing carriers logistical problems and additional expenses.

Two major possible benefits of encouraging increased county and local police involvement in MCSAP include: increased leverage for every Federal dollar spent, especially for training funds, and an increased enforcement presence of safety inspectors in the field. The increased presence of enforcement officials is especially important because there are simply too many trucks for State officials to inspect. There are other potential benefits. By increasing the involvement and training of local and county police in the safety of commercial motor vehicles, some of these officers also might be less hesitant to inspect a potentially defective vehicle and might be more willing to, and capable of, writing accident reports more useful to the overall MCSAP effort. Local or county police also may be more aware of specific problems associated with various intrastate carriers or drivers in their jurisdictions. In addition, their participation in MCSAP would make them more knowledgeable of State-level efforts to promote commercial motor vehicle safety. If Congress repeals the commercial zone exemption, which excludes certain local drivers and specified vehicles used only in this zone from some of the Federal motor carrier safety regulations, or as this exemption is terminated by FHWA, the importance of local and county police involvement in commercial motor vehicle safety could significantly increase.

On the other hand, several arguments can be presented against increasing local and county police involvement in MCSAP at this time. Funds would be required to train these additional inspectors. Diverting State MCSAP funds to the local or county level might drain funding from a State-level program and reduce the total number of trucks inspected, especially in the early phases of this redirection. Some State programs are reportedly already stretched too thin and diversion of funds to multiple local governmental entities would exacerbate funding problems at the State level. In addition, if funds were used to conduct Level II inspections instead of the more detailed Level I inspections, some serious defects, such as some brake defects, may remain undetected. If local or county police officers started to site commercial motor vehicles for "defects" that were not violations, industry's support for MCSAP might diminish. It could also be argued that the allocation of State MCSAP funds is best left to the States. Lastly, the diversion of State funds to local communities would increase the costs of administering MCSAP.

Perhaps, it might be possible to increase first the MCSAP funding of local or county police of only those States that have mature commercial motor safety programs. As part of any effort to expand MCSAP, it would be essential to maintain the integrity and uniformity of the total program.

ISSUE RECOMMENDED GUIDELINES OR STANDARDS FOR FINANCIAL PENALTIES IMPOSED ON CARRIERS OR DRIVERS FOR VIOLATIONS OF THE FEDERAL MOTOR CARRIER SAFETY AND/OR HIGHWAY-ORIENTED HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

FHWA has issued no guidelines or standards regarding the amount of financial penalties that should be imposed on either carriers or drivers for violating the Federal or compatible State motor carrier safety or highway-oriented hazardous materials transportation regulations. In view of FHWA's policies in this area as well as the current rights of States, local judges, or other governmental entities to impose whatever penalty amount they determine is justified under their laws, it is not surprising that there is no such uniformity.

There are several options that Congress might wish to consider in order to increase the uniformity of the financial penalties imposed on the commercial motor vehicle industry. FHWA could be required to issue and distribute widely recommended guidelines to assist States and other governmental entities in setting financial penalties for safety violations found during inspections or audits supported with MCSAP funds. Perhaps FHWA could be appropriated funds to contract with an organization such as CVSA or the National Governors Association to conduct a study on the fine situation and to recommend specific penalty guidelines. Alternatively, Congress may wish to consider a mandate that, if a State accepts MCSAP funds, it must use a penalty structure set by FHWA. Perhaps a range of penalties might be considered using a priority system accounting for the seriousness or nature of the violation detected.

Because different legal processors and procedures are used by the various States, the imposition of required penalty amounts may prove difficult to implement. It could also be argued that the setting of fine amounts should be a State responsibility.

Whatever action FHWA might take in this area would have to account for State and local governments' rights to promote public safety. For this reason, heavy reliance upon the recommendations of the Commercial Vehicle Safety Alliance (CVSA) probably would prove especially useful.

INCREASE CONGRESSIONAL GUIDANCE REGARDING THE OBJECTIVES AND FUTURE DIRECTION OF MCSAP

In the laws creating and extending MCSAP—P.L. 97-424 and P.L. 99-570, respectively—Congress set forth broad directions and guidance for the program. Primarily because of the limited legislative history associated with P.L. 97-424, FHWA has largely set the scope, priorities, design, purposes, operational parameters, and administrative structure of MCSAP.

As part of future oversight hearings on MCSAP, Congress may wish to consider whether FHWA needs more fundamental guidance in setting MCSAP's future. Should the program continue its current objective of seeking to promote compliance with Federal and compatible State safety regulations? Should MCSAP be broadened to increase compliance of regulations on such concerns as speeding, drunk and drugged driving, and violations of operational or driving practice laws? Should additional funds beyond the Section 402 monies be targeted to address specific problems in the commercial motor vehicle industry? Such factors as speeding (beyond road and traffic conditions or legal restrictions), failing to obey the operating rules of the road, and perhaps illegal alcohol and drug use, are generally recognized as primary causes or contributors to many commercial motor vehicle accidents. If additional funds from the Highway Trust Fund were made available for MCSAP, beyond those now appropriated from this Fund, to deal more effectively with such accident causal factors, then additional lives might be saved. In order to reduce duplication, it would be essential to coordinate new MCSAP-initiatives with existing Federal and State/local efforts. Of course, it would also be important to consider other possible alternative uses of monies derived from the Highway Trust Fund.

Congress also might consider whether increased direction should be provided regarding the current uses and allocation of MCSAP funds. For example, Congress may wish to direct or specify whether:

—a certain percentage of MCSAP funds should be used to conduct inspections of drivers and trucks and audits of carrier transporting hazardous materials or hazardous wastes; [63]

—a certain percentage of MCSAP funds should be used to conduct inspections and audits of buses and bus carriers;

—a certain percentage of a State's MCSAP funds should be allocated to local or county police efforts to enforce motor carrier safety regulations;

—a certain percentage of MCSAP funds should be used to better educate State legislators or judicial officials drivers or carrier officials regarding the importance of compliance with Federal or compatible safety standards; or

—some of FHWA's "strongly encouraged" guidelines should become requirements that must be followed by a State as a condition of receiving MCSAP funds.

Certainly, such specificity would decrease the administrative flexibility now enjoyed by both the States and FHWA in implementing and administering MCSAP. On the other hand, such specificity might increase the effectiveness of some aspects of the overall program and address specific safety concerns. Perhaps, as an alternative to a congressional mandate regarding percentages, FHWA, on its own initiative, might ensure that each MCSAP State is conducting an appropriate number of bus and hazardous material inspections and compliance and safety reviews or audits. This might occur as part of a more thorough and independent assessment of the problem identification process during the SEP review activity.

Congress also may wish to consider whether it wants to clarify or change the prerequisites stated in P.L. 97-424 that must be met for a State to receive MCSAP funds. Does Congress accept FHWA's decision to accept a State's "good faith effort" to achieve a prerequisite as being sufficient for receiving MCSAP funds? How long should "good faith efforts" be allowed to continue? Instead of requiring the declaration of knowledge statement from the registrants (owners) of commercial motor vehicles (as is now required by the Surface Transportation Assistance Act of 1982), would it be more appropriate to require this statement from the drivers who operate these vehicles and from the carriers who manage drivers and oversee the maintenance of vehicles?

Congress also might wish to provide guidance regarding various continuing administrative questions regarding MCSAP. For example, Congress could provide guidance on the types of expenses that are appropriate for MCSAP reimbursements. Does Congress want MCSAP funds to continue to be used to pay for inspector's meals, target practice equipment, handcuffs, retirement expenses, and insurance fees?[64]

USE MCSAP FUNDS TO FURTHER EDUCATE STATE LEGISLATORS AND JUDGES REGARDING THE IMPORTANCE OF COMPLIANCE WITH THE FEDERAL OR COMPATIBLE MOTOR CARRIER SAFETY AND HIGHWAY-ORIENTED HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

Three problems reducing the effectiveness of MCSAP are: (1) some State legislatures have refused to incorporate all of the concepts/requirements of the Federal motor carrier safety and highway-oriented hazardous materials transportation regulations into compatible State regulations, (2) some State legislatures still have not granted their State enforcement officials the authority to enter motor carrier terminals (principal place of business) to conduct safety reviews or audits, and (3) some State/local judges or magistrates and safety officials are still treating citations issued for violations of the Federal or compatible State motor carrier safety and highway-oriented hazardous materials transportation regulations as they would treat minor traffic safety violations. These problems might be reduced if State officials were more informed and sensitive to the importance of the Federal or compatible State transportation safety regulations.

Perhaps, FHWA could increase its efforts to educate further responsible State officials regarding the importance of meaningful enforcement and compliance programs. Alternatively, State enforcement officials and MCSAP program managers could use MCSAP funds to conduct more educational activities than they are now pursuing.

Better informed State legislators might be convinced of the importance and benefits of conducting compliance audits and safety reviews at a carrier's principal place of business. Better informed judges might be more likely to impose meaningful fines on carriers or drivers violating applicable safety regulations. However, many State and local officials maintain that it is a State or local matter to determine the type and size of a penalty. On the other hand, it is questionable whether $50 tickets for serious violations of the Federal or compatible State motor carrier safety and/or highway-oriented hazardous materials transportation regulations are sufficient to promote compliance.

DIRECT FHWA TO PUBLISH A NEWSLETTER ON MCSAP

FHWA employees working at FHWA headquarters conduct a variety of activities to communicate to State and regional FHWA officials ongoing activities and changes in Federal policy affecting the implementation of MCSAP. For example, FHWA headquarters staff have conducted or participated in tri-regional meetings and planning conferences with all of the States participating in MCSAP. Despite these efforts, various States have indicated problems with MCSAP's information flow activities. For example, the State of Oregon in a recent State enforcement plan wrote:

"Specifically, it has been observed with some frequency that law, rule, regulation, and policy changes need to be communicated more expeditiously and to a broader spectrum of people, namely from DC headquarters simultaosly to regions, OICs, and state lead MCSAP people." [65]

FHWA currently does not issue a newsletter that describes activities, issues, or initiatives of general interest to the States participating in MCSAP.[66] FHWA might use an official FHWA newsletter to accomplish several purposes: to increase uniformity in the conduct of various States' MCSAP activities, to advise States on recent rulings regarding which types of expenses are acceptable uses of MCSAP funds, to inform States on innovative and successful MCSAP activities or efforts conducted in specific regions or by specific States, and to keep State officials and inspectors more readily informed regarding important changes in and interpretations of the Federal motor carrier safety and hazardous materials transportation safety regulations. (The Research and Special Programs Administration (RSPA) of DOT does issue an official RSPA newsletter that discusses many of its current hazardous materials-related activities.) FHWA also could include illustrative financial penalty actions taken by specific States against motor carriers for various types of violations. (If penalty actions were widely disseminated, peer pressure among State officials might be useful in increasing the uniformity of penalty actions.)

During fiscal year 1988, the State of Utah will be using MCSAP funds to develop and publish a newsletter on MCSAP that will be distributed to other States. Although FHWA will be supplying information and FHWA officials intend to write articles for this newsletter, it remains uncertain whether any single State's publication could have the same benefits and standing that an official FHWA publication might have. It also is questionable whether FHWA will be able to ensure the quality and continuity of any State publication. Of course, FHWA would need to take resources away from its current activities to issue a MCSAP newsletter. Perhaps an official FHWA newsletter could be issued to supplement/complement related individual State publications. Any MCSAP newsletter might also be of use to concerned motor carriers.

DIRECT FHWA TO ACCELERATE THE DEVELOPMENT AND IMPLEMENTATION OF SAFETYNET AND PROVIDE ADDITIONAL RESOURCES TO ACCOMPLISH THESE OBJECTIVES EXPEDITIOUSLY

The Congress may wish to underscore the importance of SAFETYNET. Given today's computer and management information technology, SAFETYNET is technologically feasible. After almost four years of work and several substantial contracts as well as FHWA and MCSAP committed expenses together totaling about $1.0 million, (1) the FHWA has been unable to implement an effective, uniformly accepted, and comprehensive SAFETYNET system, and more importantly, (2) it will be three to five years before this objective is likely to be achieved.

If the FHWA made the completion of a comprehensive SAFETYNET system a higher priority objective, were assigned the necessary staff, and were appropriated the necessary funds to accomplish this objective, it is possible to reduce the anticipated time before this system is completed and fully operational. This would be important to the States participating in MCSAP as well as the FHWA as a regulatory, inspection, and management tool. Other Federal agencies have successfully implemented complicated computer systems that involve sophisticated networking systems that might serve as a model for SAFETYNET.

However, FHWA has other information systems (commercial driver's license information system) and other priorities that require funding in addition to the financial requirements needed to expedite the development and implementation of a comprehensive SAFETYNET.

EXPEDITE THE IMPROVEMENT OF THE FEDERAL MOTOR CARRIER SAFETY AND THE HAZARDOUS MATERIALS TRANSPORTATION SAFETY REGULATIONS

The Federal motor carrier safety and the hazardous materials transportation regulations form a major part of the foundation of MCSAP. To a large extent, these Federal regulations are the standards that the States adopt into their own regulations when they accept MCSAP funds. After Federal regulations are incorporated into State law, State inspectors supported with MCSAP funds check whether industry is complying with these Federal (or State) minimum safety standards.

Over approximately the last ten years, FHWA and the Research and Special Programs Administration (RSPA), the agency within DOT that issues the Federal hazardous materials transportation safety regulations, have been gradually strengthening and improving these regulations. This process is generally a slow, detailed, and deliberate process that sometimes is mandated by Congress or promoted by congressional requests. Nevertheless, at congressional hearings pertaining to motor carrier or hazardous materials transportation safety, the pace of FHWA's and RSPA's progress in improving these regulations has been frequently criticized.

If FHWA and RSPA could devote the time and resources to improve their existing regulatory base more expeditiously, MCSAP would benefit. Oregon State officials participating in MCSAP have underscored this point:

"Regulatory bodies, both Federal and State, are encumbered to some extent by inadequate Federal and/or State laws, rules, and regulations. In addition, some established policies pertaining to the administration and enforcement of these standards also contribute in a negative fashion. Collectively, inadequate standards and poor policies slow the progress that should be made by all MCSAP and safety regulatory bodies. Changes are required in both the laws and policies if national progress is going to be accomplished at the pace and within the time frame generally envisioned by many concerned parties of interest." [67]

INCREASE PERSONNEL ADMINISTERING MCSAP AT FHWA HEADQUARTERS AND REGIONS

Based on budget data supplied by FHWA, funding levels for MCSAP were and are anticipated to increase from roughly $17 million during fiscal year 1986, to about $42 million during fiscal year 1988, and to about $47 million each year for fiscal year 1989, fiscal year 1990, and fiscal year 1991. In view of the growth of MCSAP, Congress may wish to consider whether two to five additional staff in FHWA's headquarters office, and one to three additional staff in each of FHWA's regions could be used to improve the administration of MCSAP. These additional staff might be assigned to increase the national uniformity of MCSAP's implementation; to review and monitor more closely regional and State activities; to review more closely the State's application for funds under MCSAP; to improve the comprehensiveness, quality and uniformity of State inspection activities, especially the on-site monitoring of inspections; to improve communications with State officials; and to issue a newsletter on MCSAP.

Although some improvements have been made, the large array of management problems noted by FHWA in its own review of MCSAP suggests that there are numerous opportunities to improve the management of MCSAP—both at the headquarters and at the regional level (see section entitled "FHWA's Oversight of MCSAP). Likewise, a recent report by DOT's Inspector General pointed out several opportunities to strengthen FHWA's management of MCSAP.[68] Of course, the FHWA maintains that within current budgetary levels it has sufficient staff to implement MCSAP properly.

PROMOTE THE INTEGRITY OF MCSAP-SPONSORED INSPECTIONS BY REQUIRING STRINGENT FOLLOW-UP PROCEDURES

As previously discussed in the section of this report dealing with enforcement and inspection activities, the integrity of some MCSAP-sponsored inspections, especially the follow-up component, is subject to serious question. The FHWA does not require that State inspectors reinspect trucks and buses to ensure that out-of-service violations noted during an inspection have been corrected. Consequently, there is no independent assurance that many MCSAP-sponsored inspections are actually achieving their intended purpose. Measures can be taken to increase the number of trucks and buses inspected with MCSAP funds that are returned to the Nation's highways with at least no critical items meriting out-of-service citations.[69] To accomplish this, Congress may wish to consider directing FHWA to implement several MCSAP requirements that would promote the integrity of MCSAP-sponsored inspections. These requirements are designed to increase the number of vehicles that are actually fixed properly. There are numerous strategies that might be considered, including:

a. Require that any vehicle placed out-of-service must either be reinspected or be offered for reinspection at any State inspection site within a short period of time, e.g., within 72 hours of completion of the repairs. The purpose of this "reinspection" would only be to verify that the out-of-service defects noted in the original inspection have been properly corrected. There are several ways that this procedure might be implemented. If the out-of-service defects were corrected at the initial inspection site and if an inspector were available, the vehicle could be offered for reinspection as soon as necessary repairs were completed. The inspector would then have the option of reinspecting the vehicle to ensure that any out-of-service violations were properly corrected or simply accepting the drivers word.[70] The action of the State inspector would be noted on the inspection form of the vehicle. Until this clearing procedure is completed, an "uncleared" inspection form subject to civil or criminal penalties, depending on the involved State, would remain outstanding and this information would be stored on SAFETYNET. Perhaps, FHWA could play a role in bringing enforcement actions against interstate carriers failing to comply, if State action proved ineffective.

If the out-of-service defects were corrected and an inspector were no longer present at the initial inspection site, then the vehicle could be driven to any inspection facility in any State within a short period of time, perhaps within 72 hours from the completion of repairs for reinspection. The vehicle would then be offered for reinspection and then, depending on the inspector's circumstances at that particular time, the out-of-service defects could be reexamined or cleared as discussed above. In some cases, this requirement may cause a logistical problem for some carriers; however, a reasonable time limit should allow sufficient time to locate a reinspection site. On the other hand, it can be argued that these carriers should never have allowed vehicles with out-of-service defects on the highways; [71, 72]

b. Require that, as a result of all inspections conducted with MCSAP funds, the driver receives an inspection report that, at a minimum, includes the following requirements:

1. That a driver/mechanic certify and date the inspection form indicating all defects noted on the inspection form have been corrected; [73]
2. That a responsible motor carrier official sign the inspection form indicating that he checked to ensure that all defects have been properly corrected; [74]

c. Require that all State inspection forms also be subject to the penalties imposed by 18 U.S.C. 1001 or a similar State statute and include a statement that reads "any intentional false statement on this inspection form or willful misrepresentation relative thereto is a violation of Federal (or State) law punishable by a fine of not more than $10,000 or imprisonment of not more than 5 years, or both." Such a provision would be intended to encourage all drivers, carriers, and mechanics to uphold the purposes of the self-certification process now used by most States;

d. Develop a comprehensive, coordinated, uniform, nationwide enforcement mechanism to deal with drivers attempting to escape out-of-service citations and associated costs by driving to a State in which his carrier is not domiciled;

e. Prohibit FHWA from providing any MCSAP funds to States that do not follow all of FHWA's guidelines/requirements regarding follow-up of MCSAP-sponsored inspections; and [75]

f. Require FHWA to conduct compliance reviews on, or to pursue vigorously selected enforcement actions against, interstate carriers that fail to sign and return MCSAP inspections reports. This would require FHWA to be granted clear legal authority to pursue State enforcement actions and could either draw resources from other FHWA enforcement efforts or require additional funds to conduct these added enforcement activities.

Any additional follow-up requirements would involve some tradeoffs and would need to consider possible adverse impacts on the commercial motor carrier industry as well as the States' willingness to participate in MCSAP. A careful balance needs to be struck between State's rights and prerogatives; Federal objectives and ensuring the integrity of the MCSAP program; the public's safety; effective and efficient use of this Nation's Highway Trust Fund; and demands placed on industry. For example, any requirement for reinspection should be flexible enough not to interfere unreasonably with commerce. To ensure that necessary repairs were properly performed, all States may need to be willing to reinspect certain vehicles to ensure that out-of-service violations noted by other States were corrected. (This might be coordinated by the CVSA.) A legal mechanism would need to be developed to protect Federal, State (or local) inspectors from liability issues that might arise because of a reinspection requirement. Furthermore, FHWA's push to increase the total number of vehicles inspected as a result of MCSAP would suffer if a follow-up reinspection requirement were adopted.[76]

Only a broad outline of several possible administrative approaches is presented above. The exact administrative mechanisms to promote the integrity of MCSAP-sponsored inspections would most appropriately be worked out by the CVSA technical committees which include FHWA representation. Alternatively, some congressional action may be necessary to improve the effectiveness and integrity of MCSAP-sponsored inspections.

FHWA argues that their SAFETYNET system will help accommodate the proper follow-up of MCSAP-sponsored inspections. Certifications of correction of defects by carriers can be entered into SAFETYNET, thus allowing identification of delinquent compliance reports. This method, however, would still allow the integrity of the follow-up of the MCSAP inspection process in most States to rely heavily on industry's word, rather than an independent assessment by a State inspector.

MAINTAIN THE CURRENT PROGRAM

There is always the option of allowing FHWA to continue to improve MCSAP at its own gradual pace.

As stressed throughout this report, Congress, in general, has provided much discretionary authority, but relatively limited specific guidance to FHWA, regarding the implementation of MCSAP. During the last five years, FHWA, on its own initiative, has implemented many steps to improve this program. Because MCSAP has proven itself to be a generally effective and rather successful program, the question should be asked whether it would be productive for Congress to attempt to further improve MCSAP. Perhaps, continued and occasional congressional oversight of FHWA's implementation of MCSAP is all that is needed. However, reliance solely on this option could prove risky, if FHWA does not undertake its own effort to address the problems identified in this report.

As indicated in table 12, each of the options addressed in this report has its own unique set of advantages and disadvantages that need to be analyzed in terms of its likely impact on the flexibility that MCSAP now has, the total cost of the program, the willingness of States to participate in the program, and other factors discussed in this report.

TABLE 12.—SELECTED OPTIONS INTENDED TO STRENGTHEN OR IMPROVE MCSAP

	Requires FHWA funds	Requires MCSAP funds	Reduced flexibility of MCSAP	Possibly reduced willingness of States to participate
1. Promote the integrity of MCSAP-sponsored inspections by requiring a random reinspection process to verify that critical safety defects are properly corrected.		[1]X	X	X
2. Increase local or county police involvement in MCSAP		[1]X	X	X
3. issue standards or guidelines for financial penalty actions	X		X	X
4. Further educate State officials	X	or [1]X		X
5. Increase congressional guidance:				
(more specificity for current effort)			X	X
(expanded authorities)		X		
6. Publish FHWA newsletter on MCSAP	X			
7. Accelerate SAFETYNET's Progress	X			
8. Improve FMCR & HMTR	X			
9. Increase FHWA personal managing or working on MCSAP	X			
10. Maintain the current program	X	X		

[1] In relationship to the total amount of Federal funds already devoted to MCSAP, the amount of funds that would need to be taken away from existing State MCSAP activities is expected to be minimal.

ENDNOTES

1. Throughout this report, when a term including the following components or content as "Federal motor carrier safety and specified [certain, or highway-oriented] hazardous materials transportation regulations" is used, this term pertains to the Federal motor carrier safety regulations Parts 390 through 399, except when FHWA's Administrator determines them to be inapplicable to a State enforcement program. This term also includes highway-related portions of the Federal hazardous materials transportation regulations.

2. This sum is the net amount available to MCSAP after funds are subtracted to pay for FHWA administrative and commercial driver licensing activities.

3. As determined by safety officers.

4. As used in this report, the term "out-of-service" refers to a condition when a driver or vehicle/cargo is not allowed to operate until certain specified defects are corrected or repaired so that compliance is achieved or specified safety regulations are obeyed.

5. Because of the changing nature of FHWA's policies, States, carriers, drivers, and others affected by inspection activities should consult directly with FHWA and the concerned State for their latest requirements and should not rely on this report.

6. U.S. Dept. of Transportation. Heavy Truck Safety Study. Mar. 1987. p. v, and other more recent computer analyses supplied by DOT.

7. Insurance Institute for Highway Safety. Tractor-Trailers. IIHS Facts 1987.

8. Safety Is Their Business. Transport Topics, American Trucking Associations, Inc., Sept. 21, 1987. p. 6.

9. As determined by the responsible inspectors.

10. The reader seeking a broader treatment of truck safety as well as additional analysis on MCSAP should contact the Office of Technology Assessment for a copy of its assessment on truck safety, which is scheduled for publication in July 1988.

11. As used in the Act the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands, American Samoa, Guam, or the Commonwealth of the Northern Marianas.

As defined in 49 CFR 350.3, commercial motor vehicle means: "any self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo—

(a) If such vehicle has a gross vehicle weight rating of ten thousand or more pounds;

(b) If such vehicle is designed to transport more than ten passengers, including the driver; or

(c) If such vehicle is used in the transportation of materials found by the Secretary of Transportation to be hazardous for the purposes of the Hazardous Material Transportation Act, as amended (49 U.S.C. 1801 et seq.)"

12. U.S. Dept. of Transportation. State Programs Division. The MCSAP Program Accomplishments, fiscal year 1984 to Present. June 1987. p. 1.

13. U.S. Dept. of Transportation. Study of Safety Performance of Commercial Motor Vehicles. Oct. 1987.

14. U.S. Dept. of Transportation. Motor Carrier Safety Assistance Program Grants Management Manual, Aug. 1987. p. B-1.

15. FHWA assumes 100 percent of the costs of the motor carrier safety programs of some U.S. governmental entities (e.g., certain territories) participating in MCSAP.

16. FHWA does not emphasize the use of MCSAP funds for accident investigations. But, it currently allows approximately 8 to 10 States to conduct certain types of accident investigations, primarily related to possible enforcement actions.

17. At the onset of MCSAP, the term "Safety Management Audits" was used to define the function of reviewing a carriers' operation at his/her principal place of business. States still refer to this function as an "audit". Subsequently FHWA developed a Federal procedure using the terms "safety review," and "compliance reviews" which are discussed later in this report. Compliance reviews performed by Federal staff and some audit reviews performed by State staff can be similar functions.

18. Assuming no future reductions under Gramm-Rudman-Hollings.

19. The source of all the tables, except tables 8 and 12, used in this report is DOT.

20. 49 CFR Section 350.21.

21. U.S. Dept. of Transportation. Transportation Safety Institute. Motor Carrier Safety Assistance Program Grants Management Manual. p. B-4.

22. These State Directors are somewhat equivalent to the OICs.

23. A document used in this course is: U.S. Dept. of Transportation. Motor Carrier Safety Assistance Program Grants Management Manual.

24. FHWA Review of the States' Administration of the 1986 Motor Carrier Safety Assistance Program. 1987. p. v.

25. A small number of inspections reported throughout this report may include non-MCSAP funded activity.

26. However, MCSAP participating States are not required to conduct safety reviews.

27. MCSAP has allowed Federal inspectors to place greater emphasis on safety and compliance reviews of motor carriers instead of also having to conduct numerous roadside inspections. FHWA inspectors still conduct a small number of roadside inspections under special circumstance usually to address specific problem areas or trends or to conduct joint checks with individual States.

28. Still on a rather limited basis by some States.

29. CVSA consists of a bi-national coalition of officials of State and Canadian governmental agencies, as well as numerous industry officials, concerned with promoting motor carrier safety.

30. U.S. Dept. of Transportation. FHWA Guidelines Motor Carrier Safety Assistance Program. p. 4.

31. Based on discussions with various State officials.

32. These descriptions were prepared by FHWA in response to questions raised at a recent CVSA meeting.

33. Ibid.

34. Ibid.

35. Ibid.

36. Lomas, Robert P. Prepared statement to the Subcommittee on Surface Transportation of the House Committee on Public Works and Transportation. Sept. 16, 1987.

37. Safety reviews and compliance reviews or audits of carrier operations are conducted at a carrier's principal place of business, not along the roadside.

38. This is an example of "boiler plate" language now used by FHWA.

39. For FY87 the following are examples of the higher penalty amounts reported to DOT: Arkansas, $1.2 million; Colorado, $.5 million; Massachusetts, $1.2 million; Illinois, .6 million; Maryland, $.5 million; and Minnesota, $.3 million.

40. FHWA does require that specified out-of-service criteria be used.

41. Donohue, Thomas J. Written statement before the Subcommittee on Surface Transportation of the House Committee on Public Works and Transportation. Sept. 16, 1987.

42. U.S. DOT. National Uniform Driver-Vehicle Inspection Manual. Apr. 1984. p. 1 and p. 27, and U.S. DOT. Transportation Safety Institute. Motor Carrier Safety Training Text. Mar. 19, 1985. p. 26.

Because of the changing nature of FHWA's policies, States, carriers, drivers, and others affected by inspection activities should consult directly with FHWA and the concerned State for their latest requirements and they should not rely upon this report.

43. FHWA previously required State inspectors to verify that out- of-service items have been corrected under the following condition: when the driver tells the inspector that he was just been inspected within the last 24 hours and the driver displays the necessary document to prove this assertion. Extremely few vehicles fall into this category This procedure is now a strongly recommended FHWA guideline.

44. Based on discussions with CVSA, State, and FHWA officials as well as observations at several MCSAP-sponsored inspections.

45. Ibid.

46. The number of vehicles inspected each year would depend on the type of verification requirement chosen.

47. U.S. DOT. Transportation Safety Institute. Motor Carrier Safety Training Text. p. 26; U.S. DOT. National Uniform Driver- Vehicle Inspection Manual. June 1983.

48. In a few cases, failure to return inspection forms may even trigger an audit. One FHWA official maintained that SAFETYNET, MCSAP's management information system (see later chapter), will eventually help address the problem of unreturned inspection reports. It remains unclear when and how information sharing, which may be accomplished with SAFETYNET, will effectively address a carrier's failure to sign and return an inspection form.

49. Based on a review of many State inspection reports and discussions with various FHWA officials.

50. Personal communication with various FHWA officials.

51. Some of these States may not have given their enforcement officials the right or authority to enter a carrier's premise to conduct safety audits without a warrant.

52. Some States have established hazardous material and bus inspection programs outside of their MCSAP activities.

53. The idea for this analysis was obtained from previous research conducted by David Sargent of DOT.

54. U.S. DOT Office of Inspector General. Report on Audit of the Motor Carrier Safety Assistance Program in the Federal Highway Administration. Dec. 17, 1987.

55. Ibid., p. 7.

56. FHWA Review of the Internal Management of the 1986 Motor Carrier Safety Assistance Program.

FHWA Review of the States' Administration of the 1986 Motor Carrier Safety Assistance Program.

57. FHWA has justified the granting of MCSAP funds to States not meeting all of the prerequisites set by Congress by arguing that these States were making a "good faith effort" to meet the requirements. If FHWA required all of the prerequisites to be met before granting MCSAP funds, the program would have been severely restricted. However, it should be noted that FHWA has allowed these "good faith efforts" to continue in some cases for more than four years. In some cases, some of the States may never achieve all of the prerequisites. In P.L. 97- 424 Congress required that a State's grant application for MCSAP "contains satisfactory assurances that such agency has or *will have* the legal authority, resources, and qualified personnel necessary for the enforcement of such [Federal safety] rules, regulations, standards, and orders." [Italics added for emphasis.]

58. FHWA Review of the States' Administration of the 1986 Motor Carrier Safety Assistance Program.

59. FHWA Review of the Internal Management of the 1986 Motor Carrier Safety Assistance Program. During the last year, FHWA has substantially increased the training of both Federal and State employees in MCSAP grants management.

60. John McGowan of FHWA provided some of the text used in this section.

61. Internal DOT document. July 27, 1987.

62. State carrier data submitted to FHWA's mainframe do not yet have a nationally unique identification number and, thus, cannot be integrated with other Federal and State data.

63. A minimum or base level of hazardous material inspections might be adjusted to reflect the volume or nature of hazardous material flow in a participating MCSAP State.

64. FHWA's policy is to allow a State to use MCSAP funds to pay certain expenses that FHWA judges are justifiable and appropriate based on established State policies and practices.

65. State of Oregon, Sept. fiscal year 1987. FHWA maintains that communication has been stressed as one of the most important elements of MCSAP.

66. In 1984, FHWA issued one and perhaps as many as two editions of a MCSAP newsletter, but agency questions on whether the newsletter required OMB approval led to the letter being discontinued.

67. State of Oregon. fiscal year 1986 MCSAP Self-Evaluation.

68. U.S. DOT. Office of Inspector General. Report on Audit of the Motor Carrier Safety Assistance Program in the Federal Highway Administration. Dec. 17, 1987.

69. This report primarily addresses the need to make sure that out- of-service defects are properly corrected. All defects, regardless of whether they are categorized as out-of-service, need to be repaired. Non out-of-service defects could also be or become critically important in various accident situations.

70. It might be possible to allow a phased-in verification procedure whereby for the first two years inspectors might have the option of reinspection, and thereafter, the procedure could be made mandatory.

71. If a State already has a verification process that meets the intent of the concept outlined here, then FHWA would need to allow some flexibility to reduce the imposition of a duplicative system.

72. Legal and liability issues would need to be addressed to allow State inspectors to sign off on other State's inspection forms and to protect these State inspectors from any ensuing liability issues.

73. The signature would include the address of the mechanic and motor carrier as well as a printed version of their signatures.

74. Ibid.

75. In order for this option to work the potential loss of MCSAP funds would have to be sufficiently significant to encourage a State to change its policies.

76. There are other legal, regulatory, and technical problems that would need to be addressed. For example routing of trucks transporting hazardous materials to a reinspection site would need to be considered.